The Outlook

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THE END OF THE LORIMER CASE

The Lorimer case came to an end on Wednesday of last week. By a vote of forty-six to forty, William Lorimer, of Illinois, was declared duly elected a member of the United States Senate. The voting was not at all on party lines. Thirty-six Republicans and ten Democrats supported Mr. Lorimer, while twenty-two Republicans and eighteen Democrats voted for his exclusion. The division, especially in the Republican party, to which Mr. Lorimer belongs, was rather along the line separating the "Old Guard" or "Stand-pat" Senators from the Progressive or Insurgent Senators. On the one side were to be found Senators Burrows, Carter, Depew, Guggenheim, Hale, Heyburn, and Penrose; and on the other, Senators Beveridge, Bourne, Bristow, Clapp, Cummins, La Follette, and Nelson. Among the supporters of Mr. Lorimer were ten Senators who will not return to the Senate; their votes, therefore, if their constituents disapprove their action, could have no immediate effect upon their political careers. Senator Lorimer retains his seat by a plurality of six votes. Forty of Mr. Lorimer's colleagues in the Senate, however, are convinced that his election was so seriously tainted with corruption as to justify them, in spite of a very natural pressure, in voting for his practical expulsion. We cannot congratulate Senator Lorimer on such a vindication. The Outlook has already expressed its conviction that any election in which there is so much corruption as was admitted, even by Mr. Lorimer's supporters, to have been found in his election, should be, as it would be in England, automatically declared void. We believe that the outcome of the Lorimer affair will have two divergent effects. It will encourage those men who either corruptly or cynically believe that political office goes by favor and influence, with all that those terms include. But it will also have the broader and more far-reaching effect of intensifying the public demand for the popular election of Senators.

THE POPULAR ELECTION OF SENATORS

It is significant that when, two days before the Lorimer vote, the Constitutional Amendment providing for the direct election of United States Senators was defeated by a margin of four votes, Senator Lorimer was one of those who voted against the amendment. It is also significant that of the thirty-three Senators to vote against the Constitutional Amendment, only six, of whom three were Republicans and three Democrats, were among those to vote against Mr. Lorimer. The alignment upon the two questions was practically identical. Apparently those Senators who believe that a Senator, elected as was Mr. Lorimer, should remain a member of the Senate, believe that Senators should not be elected by the direct vote of the people. The question of direct election came before the Senate in the form of a resolution introduced by Senator Borah providing for an amendment to the Constitution. On the roll-call, fifty-four Senators voted in favor of the resolution and thirty-three against it. Such a resolution, however, requires a two-thirds vote, and the measure failed for the lack of four votes. The geographical distribution of the vote against the resolution is interesting. New England provided ten negative votes, the Eastern Atlantic States seven, Central Western States three, States west of the Mississippi four, and Southern States nine. The

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nine votes from the South against the popular election of Senators cast by Senators of the Democratic party, which is committed to the principle of the direct election of Senators, are to be explained by the inclusion in the resolution of an amendment proposed by Senator Sutherland. The resolution in its original form provided that the control of elections to the Senate should be taken from the Federal Government, where it is now reposed by Section 4 of Article I of the Constitution, and placed in the hands of the State Legislatures. The Sutherland amendment provided that the control of Senatorial elections should remain in the hands of the Federal Government. The Southern Democrats (with a few exceptions), jealous of State rights and fearful of Negro domination, were unwilling to vote for the resolution unless it provided for State control of the elections. It is commonly asserted that the Sutherland amendment was urged by those who were opposed to the Borah resolution entirely, and who believed that by the inclusion of the amendment they could bring about the defeat of the resolution itself. If such was their intention, they were entirely successful. Nevertheless, as we have already said, we believe that the principle of the Sutherland amendment is essentially right. Heartily as we believe in the popular election of Senators, we would rather see a Constitutional amendment for that purpose defeated than to see it adopted, carrying with it the State control of Senatorial elections. The direct election of Senators cannot long be delayed. The popular desire for it is too strong. But if the Federal Government once abdicates its right to control elections to either house of Congress, that right can probably never be regained.

THE NEW JAPANESE TREATY

The Senate has ratified by a unanimous vote the new treaty which has been negotiated between the United States and Japan by President Taft and Secretary Knox. The reason for negotiating a new treaty lies in the fact that one clause of the present treaty, although entirely satisfactory when originally drawn, has come to be a source of irritation to the Japanese people and Government. This clause is as follows:

> It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, *the immigration of laborers*, police, and public security which are in force or *which may hereafter be enacted* in either of the two countries.

The italics are ours, and indicate the phraseology which is obnoxious to the Japanese. These phrases expressly affirm the right of the United States to exclude Japanese laborers from this country. The Japanese complain that no such provision is made in treaties with European Powers, and they object to being differentiated in this way from the other civilized nations of the world. The new treaty omits the immigration provision. President Taft believes that "a gentleman's agreement," which now exists in the form of an exchange of notes between the two Governments, sufficiently protects us in the exercise of our right to regulate Japanese immigration, and he therefore urged the ratification of the new treaty. It seems to The Outlook a grave question whether it is wise for either Government concerned to ignore the immigration question. It is a fact, and a fact of great importance, that the American people have decided not to permit the unrestricted admission into the United States of immigrants from Japan or China. It is also a fact that the Japanese do not permit American citizens to become landholders in Japan, which is a most efficient way of restricting immigration. For reasons which we have recently stated at length in The Outlook, the practical position of both Japan and the United States on this question is based not only on a fundamental racial instinct, but on correct philosophical and moral grounds. Both Japan and the United States might wisely recognize in their treaty obligations what they actually practice in their international relations. But if the treaty in its new form conveys to the Japanese people, as their enthusiastic approval of it seems to indicate, a special mark of admiration and respect for their striking political, social, and intellectual development in recent years, it will have accomplished a desirable end. Their

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status as a great nation is cordially recognized by the American Government and the American people. It is because of our earnest desire to see this mutual esteem and regard between Japan and the United States preserved that we wish to see each of the two Governments frankly recognize the vital interests of the other.

THE LAST DAYS OF THE SIXTY-FIRST CONGRESS

When the Post-Office Appropriations Bill was reported to the Senate from the Committee on Post-Offices and Post-Roads, Senator Penrose, Chairman of the Committee, announced that the "rider" increasing the rate of postage on the advertising pages of magazines and periodicals would, with the consent of the Senate, be abandoned. Against this measure The Outlook with other periodicals of National circulation has protested as being discriminatory and inequitable, and as not being based upon accurately ascertained facts. We are glad to report that the force of public opinion has been strong enough to prevent the hasty adoption of this measure at this session. Before any question of change or increase in postal rates is taken up, the Post-Office Department needs a reorganization such as was provided for in the Carter-Weeks Bill, the adoption of which The Outlook has heretofore recommended. We urge the new Congress to institute such an investigation of the Post-Office Department as will provide definite and authoritative knowledge of conditions in the Department upon which such a reorganization and, if necessary, a readjustment of postal rates may be based. Another proposed measure, the Sulloway Pension Bill, which had passed the lower house and had been attached as an amendment to the general Pension Appropriation Bill, was fortunately defeated in the Senate. This proposal would enormously increase our pension expenditure, was not called for by the country at large, and its defeat was wise and in the truest sense patriotic. During the last two days of the session, after valuable time had been spent in tedious and prolonged filibustering, Congress passed the great appropriation bills carrying hundreds of millions of dollars, hurriedly and without due opportunity for close consideration; one especially commendable appropriation was that of $3,000,000 for fortifying the Panama Canal. The Tariff Board Bill, an excellent and non-partisan measure, which passed the Senate on Saturday, at the last moment failed of passage in the lower house. The Senate failed to act on the Canadian Reciprocity Bill, and the President has announced that there will be an extra session of Congress beginning April 4. Next week we shall review and comment upon the legislative history of the Sixty-first Congress.

THE SAVARKAR CASE

Last week the International Court of Arbitration at The Hague handed down a decision in the Savarkar case. Savarkar, a law student and native of India, was accused of various political offenses committed in that country. He was arrested in London and, upon hearing under the Fugitive Offenders Act, was ordered extradited to India. He was placed on board a steamship last July, but when the vessel arrived at Marseilles escaped and swam ashore. He was apprehended by a French police officer and was surrendered by him to British detectives, who returned him to the vessel. The contention of the French Government is that when the vessel entered French waters the British authorities lost their jurisdiction over the prisoner. The British Government, on the other hand, maintained that the prisoner was in the lawful custody of the British authorities, and that even though the authorities momentarily lost control of him, his surrender by the French police officer restored him to British control. To the statement that the police officer should have handed the fugitive to the chief of the harbor police, the British Government's answer was, of course, that any irregularity committed by a French official is a matter of French, not of British, concern. As the French Government demanded the restitution of the prisoner, the respective Governments agreed to submit the question to arbitration by the Hague Court. Accordingly a tribunal composed of five arbitrators chosen from the members of that Court met at The Hague last

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month. They decided in Great Britain's favor. The decision involves a question important to every country as affecting the matter of the transit to foreign countries of fugitives from justice under the control of extradition officers. The case is the third decided at The Hague within the past twelvemonth, the first being the Newfoundland Fisheries Case, in which Great Britain and the United States were suitors, and the second the Orinoco Steamship Company Case, to which the United States and Venezuela were parties. The decisions in all of these cases have emphasized the wisdom of creating an International Tribunal of Arbitration.

MR. ROOSEVELT'S WESTERN TRIP

Mr. Roosevelt's Southern and Western journey, which began on Wednesday of this week and will occupy nearly six weeks, is planned to meet a number of engagements, chief among which will be the series of Earl Lectures, to be delivered before the University of California, at Berkeley. These lectures will be five in number, and their subjects will be as follows: "Realizable Ideals;" "The Home and the Child;" "The Bible and the Life of the People;" "The Public Servant and the Eighth Commandment;" "The Zone of Doubtful Authority between National and State Conservation;" and "The Shaping of Public Opinion and the Ninth Commandment." For the information and convenience of many readers of The Outlook we add the chief dates and places in the itinerary of this journey: March 9, Atlanta, Georgia, address on "The South's Obligation in Statesmanship and Business Endeavor" at the Southern Commercial Congress; March 10, Birmingham, Alabama, address on "The Conservation of Childhood" at the National Child Labor Conference; March 11, Jackson, Mississippi, and New Orleans, at which latter place Mr. Roosevelt will speak under the auspices of the Progressive Union; March 12, San Antonio, Texas; March 13, Dallas, Texas; March 15, El Paso and Albuquerque, New Mexico; March 16, the Grand Cañon; March 18, Phœnix, Arizona, where the opening of the great Roosevelt Dam will take place with special ceremonies; March 21, Los Angeles, where a mass-meeting will be held under the auspices of the City Club, and Mr. Roosevelt will lecture before the Throop Polytechnic Institute; March 23, San Francisco. The Earl Lectures at Berkeley will take place from March 24 to March 28. Mr. Roosevelt will give an address at Reno, Nevada, on April 3; will speak before the California State Legislature on April 4 at Sacramento; will arrive at Portland, Oregon, on April 5; at Tacoma and Seattle, Washington, on April 6; at Spokane on April 7; at Missoula, Montana, on April 11; Helena, Montana, on April 12; and thence will return to New York by way of Chicago. Addresses, either formal or informal, will be delivered at all of the places just mentioned.

CHICAGO'S MAYORALTY CONTEST

Chicago is to choose a Mayor on April 4 next to serve for a four-year term. Direct primaries for the nomination of candidates were held on the last day of February. The successful contestant for the Republican nomination was Mr. Charles E. Merriam, a member of the City Council, and Professor of Political Science in the University of Chicago. The Democratic nomination went to Mr. Carter H. Harrison (who served the city for four two-year terms as Mayor prior to 1905), son of the Carter Harrison who was assassinated after he had been elected Mayor of Chicago for the fifth time. The contests in both parties excited deep interest and drew out record-breaking votes for primary elections in Chicago. Alderman Merriam is Chairman of the so-called Merriam Commission, which has attracted Nation-wide attention because of its disclosures of dishonest and wasteful methods in the present administration of the city government. His candidacy was thus a challenge to the present Republican Mayor, Mr. Busse, whose administration he had seriously criticised. Contrary to its usual custom, the Republican organization was not able to concentrate on a single candidate. The chief opponents of Alderman Merriam were Mr. John R. Thompson, a prominent business man affiliated in politics with the regular organization, who had served a term as County Treasurer; and Mr. John F. Smulski, a

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banker who had served a term as State Treasurer. Like Mr. Thompson, Mr. Smulski had been actively identified with the organization of the Republican party. Mr. Smulski was backed by Governor Deneen. Mayor Busse, who heretofore has worked with Governor Deneen in opposition to Senator Lorimer, gave his support to Mr. Thompson. Senator Lorimer's followers in the Republican party also supported Mr. Thompson, who had helped to make their leader Senator. Alderman Merriam received 54,228 votes, or a few more than those of Mr. Thompson and Mr. Smulski combined. The opponents of Mr. Harrison for the Democratic nomination were ex-Mayor Dunne and Mr. Andrew J. Graham. Mr. Graham is a banker. He was supported by the regular organization of the party, headed by Mr. Roger Sullivan, Democratic National Committeeman for Illinois. Apparently he was supplied with a very large campaign fund. Nevertheless, he ran third. Ex-Mayor Dunne, with practically no organization and a very small campaign fund, received 53,513 votes, or within 1,500 of the number cast for the successful candidate for the Democratic nomination, Mr. Harrison. Mr. Graham, who ran third at the Democratic primaries despite his powerful backing, is related to Senator Lorimer by marriage. Prominent among his supporters were Democrats who had helped to make Mr. Lorimer Senator. Thus the outcome in both parties was a decisive defeat for the party organizations, and a sensational rebuke of both the Busse administration and of the men responsible for the Lorimer scandal in Illinois politics. In view of the scandals in both city and State, the first plank in the platform of Alderman Merriam, headed "Public Honesty," is significant:

> The first principle in a Progressive platform is absolute honesty in the conduct of city affairs. This means aggressive war upon all the forms of graft and corruption, whether found within my own party or without. No compromise should be made with graft or with those who defend, apologize for, minimize, or ignore it. Graft is treason to the community, and I will make no terms with it. This great city can never progress as it should until public confidence in the absolute integrity of its servants is established. The disreputable gangs that have plundered this town must be broken up and driven out, and I consider it the duty of the Mayor of Chicago to employ the power and influence of his office to bring this about.

The political leaders of Illinois have been singularly obtuse to the Progressive movement that is in evidence in the adjoining States of Wisconsin, Iowa, and Indiana. Alderman Merriam's vigorous championship of Progressive policies as well as fundamental honesty gives rise to the hope that his candidacy for Mayor of Chicago means the beginning of a better order of things in the politics of both the State and the city.

THE PANAMA CANAL AS AN OBJECT-LESSON

Bishop Bury, the Bishop of British Honduras, whose diocese includes all Central America, has recently visited New York. In the course of a conversation with the editors of The Outlook he lamented, from the standpoint of peace and Christianity, that the United States did not sometimes interfere a little more firmly for justice and morality and civilization in certain of the Central American states, but made the following gratifying comment about what he had himself seen on the Canal Zone: "As Bishop of British Honduras and Central America, the diocese from which the Canal Zone administration was formed four years ago, I have had special opportunities of visiting there as the guest of Archdeacon Bryan, who was Vicar-General of the Episcopal work there, and as the guest also at different times of Colonel Goethals, Colonel Gorgas, and Admiral Ruser. I have been much impressed with the aim and character of the undertaking, for at the Canal there is what, I judge, is the very pick of American efficiency. There is strenuous, good work on all hands, while it is assumed that that work must be carried on under healthy and wholesome physical conditions, and also in a moral and spiritual atmosphere. In fact, the whole higher faculties of the men employed are being brought out and developed. It seems to me to be an object-lesson for the world, if it can be made known. This planting of an ideal of practical life service is an indication of how all work ought to be done, whether it is on a large or a small scale. Not only that, but it has the inspiration of showing how a miserable and lamentable failure, a great national calam-

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ity—for Panama formerly spelled that—has been turned into what I hope will prove to be a great national success. It is a work, it seems to me, that will be a tremendous satisfaction to the Nation which has undertaken it, and must have the approval of all right-thinking men. I went through all the work of different kinds, had long talks with Colonel Gorgas, one of the very best, simplest, and most inspiring men I have ever met, who explained to me his system of "cleaning up;" and I also inspected those fine Young Men's Christian Association institutions which give wholesome and spiritual influence to the place—an influence under which your young Americans come at the most impressionable time of manhood. It is no uncommon thing in one's experience to find how young men, gone far away from their homes to such engineering work, only too sadly deteriorate; but I can imagine here, on the contrary, that those who went out somewhat slack and pliant in their moral code would find themselves, probably unconsciously, braced, toned up, strengthened, to be sent home later far better specimens of manhood and character."

A FINE WORK WELL DONE

Bishop Bury's remarks remind us that one of the things found to be especially interesting on Mr. Roosevelt's trip to Europe last year was that Europeans really appreciated far more than Americans how great and successful the work done by America on the Canal Zone is. Not only is our Nation now engaged in successfully performing the greatest engineering feat that has ever been performed on this earth, but hand in hand with the actual performance of this great material achievement has gone a singularly successful effort to care for the workers, physically, intellectually, and spiritually. This double achievement will before long be described in The Outlook by Mr. Albert Edwards, who is now in the Canal Zone as a special correspondent. The men engaged in doing the work on the Isthmus are the pick of American manhood. Too often work of this kind, which is done very efficiently, is performed by hard men, who care nothing whatever for the welfare of those under them, whether in soul or body. Too often, moreover, the men who would care for the souls and the bodies of the workers do not possess the efficiency which is the prime requisite for dealing with such a task. But in Colonel Goethals, Colonel Gorgas, and the others who are responsible for the work on the Isthmus, we believe that these two sets of qualities are combined to a higher degree than has ever been the case before in the men of any nation engaged on such a work. Very hearty thanks are also due to the Young Men's Christian Association and similar bodies for the great part they have played. The men of the Isthmus are doing their great work better than such work has ever been done before by the people of any nation, and at the same time their social, intellectual, and moral needs are being met as never hitherto in any such case. Until we gained control of the Isthmus of Panama and began the work of building the Canal the very name Panama stood as a synonym for all that was most deadly to men's bodies and men's souls. It has now become, not merely the most efficient world's workshop of the size anywhere on the face of the globe, but also a place where young men can be sent knowing that it is easy for them to get healthful and innocent recreation and to keep clean in soul and in body, and where women can go with their husbands and bring up their children with the advantages that they would have at home. Colonel Goethals and his associates have put this Republic under a great and permanent obligation.

AN EXAMPLE OF FAIR DEALING

In the first of the series of articles by Dr. Washington Gladden on the relations of employers and employees now in course of publication in The Outlook the author declares his belief that where it is still possible for employer and employee to be brought into personal contact "the relations are, in the great majority of cases, amicable and just." And he adds, "The old sweet humanities have not lost their force, and where they have a chance they assert themselves with power." An illustration of this has lately come to our notice. The Third Avenue Railroad

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Company of New York City, under the receivership of Mr. Frederick W. Whitridge, with Mr. Edward A. Maher as General Manager, has done some excellent work, from the human side, in seeing to the welfare of its employees and in endeavoring to identify their welfare with that of the railway. In our judgment, trades unions should welcome every such move on the part of any corporation and treat it as a by-product of trades-unionism, so to speak. The Outlook believes emphatically in trades unions. It believes in them partly for the very reason that even where they do not exist the possibility of their formation tends to make corporations do things that otherwise they would not dream of doing. This does not mean that we believe that Mr. Whitridge has acted in this matter from unworthy motives; on the contrary, we feel that he is entitled to hearty praise, because, against opposition, he insisted upon establishing the Employees' Association in the company of which he is receiver. Under his lead, at the different important stations club-rooms have been provided for the employees. These include very well patronized rooms with billiard-tables, and fairly well patronized reading-rooms, together with dining-rooms where there are lunch counters and tables at which excellent food can be obtained at a low price. In addition to the establishment of these rooms, the Employees' Association was founded, the company agreeing to put in dollar for dollar as much as the members contributed—a very sensible arrangement, because, while it showed the genuine interest of the company, it also only helped the men who were helping themselves. The average wages paid by the company seem to be good. The Association was started on January 1, 1909. Since then it has lost nineteen members by death, it has relieved 662 cases by the payment of benefits, and its physician has given to members 2,620 consultations without charge from January 1, 1909, to January 1, 1911. The report of receipts, disbursements, and investments shows that over $23,000 has been paid in by members and an equal sum contributed by the companies concerned, while one interesting item of receipt is $115 of conscience money. Altogether the experiment is an encouraging sign of what has been termed "the mixture of decency with business."

A GREAT ART BUILDING

Mr. John Alexander, President of the National Academy of Design, speaking in New York last week, suggested that the city purchase by condemnation the two blocks on Fifth Avenue fronting the new Public Library, and that on this space there be constructed a building harmonizing with the architecture of the Library to serve as a home for the fine arts in the metropolis. The proposed building would occupy the entire two blocks between Fifth and Madison Avenues and Fortieth and Forty-second Streets. Whether or not this is the best possible site, location and price being taken into account, or whether or not the city ought at present to expend the money necessary to secure this property, need not be decided at the moment. The Outlook wishes to commend the method of dealing with this great subject which Mr. Alexander now suggests. He is reported to have said that the National Academy is thoroughly in favor of securing this property, and that, if the land could be given, the Academy was not only ready but anxious to back the scheme to the limit of its financial ability; that he had discussed the plan with private citizens of wealth and position, and had received assurances that, if a proper site were obtained, the money for a suitable building could be secured. This is The Outlook's view, expressed several weeks ago, when it registered its dissent from Mr. Alexander's proposition to use the west side of Bryant Park for this purpose. In the judgment of The Outlook, all that is needed is a plan for housing the arts in New York that shall be at once practicable and at the same time so large as to provide for the future on a metropolitan scale. Many of the needs of the higher interests of New York have already received adequate attention, and their importance in the civic life and the interest of the city in them have been expressed in architectural forms. The Fine Arts Building ought to be the most beautiful structure in the city. If it is conceived in this spirit, The Outlook believes that there will be very little difficulty in securing within a reasonable time

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adequate means for its erection. It ought to be a great home of the arts and of the people as well; it may become one of the most penetrating and powerful educational influences in the city—a popular university which shall give joy to the soul and sight to the eyes of the people of the city. New York has already become an art center in architecture, sculpture, painting, and music. To house these great interests adequately and nobly would put them on a foundation so solid that the time would not be distant when New York would become one of the most active and fruitful working places for artists in the world. The great financial interests owe this to the city of New York, which has sheltered them; they owe it to the Nation which has given them the opportunity of making their vast fortunes.

A NEW OPERA AND A NEW PLAY

A new opera and a new play which had their first presentation in New York last week possess some characteristics of so unusual a nature that they are entitled to comment in any record of noteworthy current events. The production of Victor Herbert's "Natoma," which took place in Philadelphia on February 25 and in New York February 28, is one of the few attempts in this country to produce American "grand opera." Victor Herbert was originally a distinguished 'cello player, well known to the lovers of fine orchestral music. He abandoned the field of absolute music, however, and entered a successful career as a composer of light operas and musical comedies of the Broadway type. Although he was born in Ireland and educated in Germany, he has spent the greater part of his artistic life in America. He has composed "Natoma" with a sincere desire to produce a serious musical work which may have distinctive qualities indigenous to American soil. The story of the opera is contained in a libretto, unfortunately weak in construction and amateurish in phraseology, provided by Joseph Redding, a Californian. The scene of "Natoma" is laid in Spanish California in 1820. It treats of the love of Natoma, an Indian girl, a chieftain's daughter, and the last of her race, for an American naval officer who loves and is loved by Natoma's Spanish mistress, Barbara. Natoma also devotedly loves her Spanish mistress, the two having been playmates as children. Alvarado, Barbara's cousin, who wishes to marry her, discovers that she prefers the American and plots to kill him and abduct Barbara. Natoma, who overhears, stabs Alvarado, and at the conclusion goes into a convent. This story is probably not much worse in its artificial and melodramatic character than the stories which form the foundation of most of the operas of the French and Italian school. But it is the music and not the drama that attracts opera-goers, and of the music Mr. Herbert has made a very pleasing and in some respects an original success, especially in his introduction of Indian and Spanish themes. The opera is picturesquely staged, well acted, and is decidedly more American than Puccini's much-heralded "Girl of the Golden West." There ought to be no such thing as sectionalism in art, but every country and every race can make its proper contribution. It is a commendable thing when American artists turn to American scenes or American history for some of their inspiration, and it is this aspect of "Natoma" which entitles it to encouraging commendation. In some respects "Everywoman" is a much more serious and original piece of dramatic art than "Natoma." It is an attempt, rather surprisingly successful, to combine the philosophy, the ethics, and the simple characters of the old morality play with the elaboration, the picturesqueness, and the worldliness of a modern Broadway comedy. It is not an operetta, though it may fairly be called a music-drama, and the music, which was admirably performed by an augmented orchestra, was composed for it by George W. Chadwick, and alone entitles it to most respectful and appreciative consideration. The author of the play, Walter Browne, who pathetically died on the eve of its first presentation, has given many of his lines a literary quality somewhat surprising to those who know the standards prevailing in the musical comedies of the day. There is some pathos and some tragedy and some realism in "Everywoman" which will not stand the test of an exacting taste. But, on the whole, it is a form of dramatic entertainment very much

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higher in human interest, in scenic attractiveness, in literary effort, and in musical quality than is commonly found in the ordinary playhouse of the so-called Broadway type.

A RIOT AT THE COMÉDIE FRANÇAISE

The Comédie Française is the most thoroughly organized theater in the world. It is subsidized by the Government, and has not only presented, generation after generation, the classical French plays interpreted by the greatest French actors, but it has also made room for new plays of quality. Although a classic theater in a strict sense of the word, it has been the scene of many most violent disturbances. It was on the stage of this theater that Victor Hugo's "Hernani," first of the great romantic plays, was presented in 1846, amid scenes of the wildest disorder. The droll figure of Gautier in a red coat remains as the symbol of that tremendous skirmish between the old and the new school in dramatic writing. A week ago this scene was repeated during the production of Henri Bernstein's "Après Moi." Not since the production of Sardou's "Thermidor" in 1891 has this ancient theater known such confusion. Bernstein is a Jew concerning whom there has been sensational controversy in the newspapers, which terminated by his admission that he had deserted from the army before his time was up, urging in palliation of this offense that he was infatuated with a woman. "Après Moi" is the story of a gigantic petroleum trust financier who wrecks not only his own fortune but the fortunes of his wife and friends. He is on the point of committing suicide when certain facts are developed on the stage, so Gallic in their character that they need not be repeated here, and his ferocious intention is turned from himself to the object of his jealousy. As the final outcome of this scene the financier discards the idea of suicide and insists that his wife shall choose between him and her lover. After a very emotional scene the wife dismisses her lover and follows her penniless husband. Bernstein's plays have given great offense to certain clerical organizations. They hate his race, and they hate him personally. On the night of the presentation of "Après Moi" these gentlemen posted themselves in different parts of the theater and began a series of interruptions, reinforced by a group of young Royalists equipped with automobile horns, rattles, whistles, and many other noise-making contrivances. The Prefect of Police had hundreds of police and Republican Guards inside the theater. At a certain point in the play, when one of the characters asks, "What is the most irreparable thing in life?" the uproar broke out. There were shouts of "Deserter!" "Down with the Jews!" and pigeons which had been taken into the gallery were hurled at the audience and fluttered helplessly about the orchestra. Many of the interrupters were dragged out of the building. Six men barricaded themselves in a box and blew fish-horns so violently that the play had to stop. The police assaulted the box and arrested the offenders. As a result of this affair a number of duels have been arranged. Bernstein has asked the Prime Minister to grant Loyalist Lacour, who is in jail for assault on Premier Briand last November, temporary liberty so that he may fight a duel with him; and, if reports are to be trusted, he has also challenged Léon Daudet, the writer, and several others. Bernstein was born in Paris. His mother is said to be an American. He was educated at Cambridge, England, and during the last three years has written a dozen plays, most of which have been successful. "The Thief" had long runs in Paris, London, and New York. "Samson" was on the stage of a New York theater for an entire season.

JOHN M. CARRÈRE

John M. Carrère, who died in New York last week as the result of a collision between a taxicab in which he was riding and a Madison Avenue car, was an architect of high distinction. He practiced one of the noblest arts with a fine sense of its private significance and public relations. He secured his preparatory education in Switzerland, and added a thorough course at the Beaux-Arts in Paris, a school of architecture which has trained a large number of the most gifted American architects, and has achieved the rare distinction of penetrating formal academic education

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with artistic feeling and spirit. In this student period the foundations of the future business combination of Carrère and Hastings were laid in a warm friendship. It was a strong combination of talent, skill, and enthusiasm, and the work of the two young men soon attracted attention. Important commissions were intrusted to them, and the charm and beauty of their designs soon gave them a foremost place in an art in which Americans had begun to show a genius for that happy adaptation of established forms to new creeds and conditions which speedily develops originality. The office buildings of the Senate and House of Representatives in Washington, the proposed alterations in the Capitol, the Bicentennial Memorial Building at Yale, and many other important structures fell into their hands; and, finally, their design for the Public Library Building in New York was accepted. Mr. Carrère was also an inspiring leader in the education of the American people in the architectural treatment of cities as units instead of aggregations of buildings. He taught them that free circulation of population, health, and beauty ought to be combined in the laying out and building of cities, and he greatly forwarded a movement which in the next fifty years will transform the physical aspects of American towns.

"In our cities, and, in fact, in our whole mode of life," he said in a recent lecture, "we separate work from pleasure, the practical from the beautiful, instead of blending them, as is so skillfully done by the older nations of the world. A street is apt to be nothing but a thoroughfare, so that we just go and come and travel upon it without enjoyment, which we must seek elsewhere at given points laid aside for this particular purpose. In the same manner we do not combine work and pleasure sufficiently, with the result that both our work and our pleasures are strenuous in character and often become excesses."

Mr. Carrère had given valuable time and thought to this kind of reconstruction in Cleveland, Baltimore, Hartford, and other cities, and his death at the moment of his ripest powers is a National misfortune. That a brain like his should be destroyed by a stupid or reckless chauffeur is one of those bitter ironies of life for which communities rather than Providence are responsible. In this case there ought to be the most searching investigation, and, if careless driving is proved, the most prompt and severe punishment.

MRS. LAWSON VALENTINE

Mrs. Lawson Valentine, who died at her home in New York on Thursday morning of last week after a brief illness, was for many years a familiar figure in the life of the Outlook family; for it was the genius of Mr. Valentine, who from 1877 to 1891 was President of the corporation which published The Outlook, to bind all his coworkers together in such common devotion and affectionate fellowship that business relations became intimately friendly. It was his genius also to recognize to the full the absolute editorial independence of The Outlook, and not only to confirm but to find deep satisfaction in it. To his generous and very successful endeavors, in which a genuine idealism was never separated from courageous and original business methods, Mrs. Valentine contributed the quiet helpfulness of a beautiful and unworldly spirit. At the festivals of the Outlook family she always personified tranquil faith in the supremacy of the spirit and the victorious power of righteousness. It was fitting that her last appearance should have been at its Christmas celebration in December. Her life brought her many kinds of prosperity; but her happiness lay deeper than conditions, and, like the love of her friends, rested on her singularly harmonious and beautiful nature, hospitable to every joy or need, generous of heart and hand.

AN OBLIGING POST-OFFICE

Probably the most colossal task ever undertaken by Great Britain is the making of India. One method of the making is disclosed in recently published statistics concerning the Postal Service. There are now nearly nineteen thousand post-offices in India, They are kept in working order by ninety-two thousand persons. Last year mail trains traveled no less than a hundred and thirty-five million miles. But these were not the only carriers. While mail trains run over thirty-two thousand miles of railway, many letters are carried by boat and by forest runners.

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As to the parcels post, over nine hundred million articles—or more than three to each person in India—were entered last year at the post-office for transmission. Though many of these articles were posted without even an address, and though many contained diamonds and other valuables, only eight out of every twenty-five hundred sent to the dead-letter office failed to reach either the sender or the receiver. In the money-order department nearly twenty-five million money-orders were issued, aggregating a hundred and forty-five million dollars. The opportunity for such an enormous business is indicated when we learn that a sum of $1.33 may now be sent a distance of three thousand miles for two cents. In establishing a service combining the money order and parcels departments, the Indian post-office is more obliging than most post-offices. It will receive a parcel from a merchant, transmit it, collect the declared value from the addressee, and return the money to the seller; last year, in return for such parcels, the post-office passed into the hands of tradesmen nearly twenty-eight million dollars. But because we have inaugurated a similar system, the post-office savings bank depository is to us Americans a specially interesting feature; last year the post-office savings bank depositories in India reported one and one-third million separate and active accounts, aggregating fifty-two and a half million dollars. Finally, the Indian post-office is philanthropic as is hardly any other, for in a malarial country like India it is of vital moment to the people that a post-office should have for sale, as it has, small envelopes containing quinine. As one may rightly assume from the above, the varied features of the post-office are doing much to commend British rule in India.

AN ANGLO-GERMAN CONCORDAT

While England and Germany are disquieted by apprehensions that peace between them is insecure, the churches of both countries have been making active effort for its permanence. For several years delegations of British pastors have visited Germany and delegations of German pastors have visited England to promote international fraternity. These reciprocal visits have now advanced the Anglo-German peace movement beyond that initial stage of informality to a formal organization, in which the German churches led off and the British have followed their example. Early in February a British Council was organized similar to the German, each headed by influential men. At the recent meeting for this purpose in London the Archbishop of Canterbury presided, and representative Anglicans and Free Churchmen were conspicuous in demonstrating their unity for peace between the kindred peoples. The German Council was represented by a committee, whose chairman, Dr. Spiecker, described the rapid growth of the peace movement among the German churches, and his associate, Dr. Harnack, the distinguished church historian, spoke eloquently upon its watchword—"The fruit of the Spirit is love, joy, peace." The first step toward this goal, said he, is "no longer to tolerate ill will among us, and to *stop the mouths of provocateurs.*" The words here italicized put a plain duty upon the American churches also. There is reliable authority for stating that the correspondents of certain American newspapers have been ordered to write from the Far East prejudicially to Japan. The Archbishop of Canterbury declared it the purpose of the churches of both nations represented in this meeting to establish a spirit that would make a war between them, or the bare possibility of it, first unlikely, then difficult, and ultimately impossible. He compared this movement to the preventive medicine which by inoculation bars out disease. The Council was then formally constituted, associating the churches of the two Empires in the cause of international amity for the maintenance of fraternal relations between them, the exchange of thought and information to prevent misunderstanding and distrust, and for the confirmation of permanent peace. The Archbishop of Canterbury was elected President of the Council, with a strong official board. A timely antidote to the jingo poison has thus been set to work that will not be fruitless of influence on this side of the sea.

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NATIONALISM AND THE JUDICIARY

This is the eighth of the series of editorials by Mr. Roosevelt on "Nationalism and Progress," and the third relating to the Judiciary. The discussion of this particular topic will be concluded next week.— THE EDITORS.

Last week in these columns I discussed the right of the people to criticise the courts. There is a second aspect of the relation of the courts to the people.

This second aspect, which the briefest consideration of the history of the Supreme Court emphasizes, is what Mr. Roscoe Pound has so clearly shown in his articles in the "Columbia Law Review" and the "Green Bag," on "Mechanical Jurisprudence" and "The Need of a Sociological Jurisprudence;" that is, the far-reaching damage done by a merely mechanical jurisprudence, and the need for an informed and intelligent interpretation of the law. Dean Kirchwey, of the Columbia Law School, in his address before the American Bar Association on "Respect for Law," spoke as follows:

> There is no other artificial device that I know of to bring about the condition of affairs that must be effected in order that our law shall escape the criticism which we aim to avert by becoming the real handmaid of society in its onward and upward march. The only remedy that I can see is for our courts to realize once for all that the power to do justice, greater than the power to administer law, is the power that is really committed to them; that a precedent is only a sign-post pointing out the direction in which the feet of justice must go, not a rule binding upon the mind and conscience of the judge; that our courts are set in their high places as interpreters of the popular sense of morality and right and the popular sense of justice, not as interpreters of obscure oracles handed down from a remote antiquity. They will receive and they will deserve respect so long as the law which they lay down is the expression of the public will, and no longer.

Mr. Roscoe Pound's article on "Mechanical Jurisprudence" should be read by every one who has the least doubt as to the vital need of making our law correspond to the demands of real justice and of common sense. He quotes Sir Frederick Pollock, and Judge Richmond, a noted Australian judge, with approval of their insistence that modern law must escape from all that is artificial, and must meet the demands of modern society for full, equal, and exact justice. He unreservedly indorses the view that legality and the scientific character of law are means toward the end of law, which is the administration of justice, and that law must be judged by the results which it achieves, and not by the niceties of its internal structures. Mr. Pound quotes with proper emphasis the profoundly wise remark of Lord Herschel: "Important as it is that people should get justice, it is even more important that they should be made to feel and see that they are getting it."

One merit of Mr. Pound's article is the way in which it points out that laymen are just as responsible as lawyers for the tendency of law to become mechanical, because of the average man's admiration of the ingenious, his love of technicality as a manifestation of cleverness, and the feeling that law as an established institution ought to have a certain ballast of mysterious technicality. But Mr. Pound also shows that when this type of thought is found in a judge, and is given full sway by him, the result may be of literally incalculable harm. He says: "It is sometimes assumed that law must needs aim for a different kind of justice from that which is commonly understood and regarded by the community. But this cannot be. Law is a means, not an end. We must not make the mistake in American legal education of creating a permanent gulf between legal thought and popular thought. . . . The practical end of the administration of justice according to law is such adjustment of the relations of men to each other and to society as conforms to the moral sense of the community." The idea has been well expressed in a private letter written by Dr. Du Bose, of the University of the South, to Mr. Silas McBee, editor of the "Churchman," commenting upon an editorial in the "Churchman" upon a certain announced judicial conception of democracy. "If the Constitution does not live and expand with the life of the Nation, it becomes a mere letter and fetter which will either strangle the life or have to be broken by it. And to make the Supreme Court a mere guard over the letter without jurisdiction over the spirit and life is to make it an instrument of slow death."

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Miss Jane Addams points out a fact which should cause both our legislators and our judges grave concern when she states that there has been a growth of feeling among workingmen that the courts are their enemies. A certain type of man, usually the head of a big corporation, or his legal adviser, or his representative in the press, but often an entirely honest although ill-informed citizen, is apt clamorously to insist that this feeling among workingmen has no basis in reason, and is due merely to their having been inflamed by the tirades of demagogues. I would call the attention of this type of man to "Law Notes" for December last, which quotes the comments of a learned jurist, who states that his own professional and personal interests are almost exclusively on the side of great corporations and of defendants in negligence cases, and who explains that his views are the result of an impartial study of the whole situation while constantly engaged in the professional service of railway and other corporations. The comments in question appear in the introduction to the fifth edition of Shearman and Redfield on Negligence, signed by Mr. Shearman:

> A small number of able judges, devoted, from varying motives, to the supposed interests of the wealthy classes, and caring little for any others, boldly invented an exception to the general rule of masters' liability, by which servants were deprived of its protection. Very inappropriately, this exception was first announced in South Carolina, then the citadel of human slavery. It was eagerly adopted in Massachusetts, then the center of the factory system, where some decisions were then made in favor of great corporations, so preposterous that they have been disregarded in every other State, without even the compliment of refutation. It was promptly followed in England, which was then governed exclusively by landlords and capitalists. And when the fifteen judges of Scotland unanimously declared that it had never been the law of Scotland, four English law lords reversed their decision.

My only comment upon the above would be that I do not think that the judges who are responsible for such decisions are, save in exceptional cases, actuated by friendship for the property classes as compared with the masses of the people; I think that the responsibility for this condition of things lies chiefly at the doors of well-meaning men unfortunately cursed with an obsession for what Mr. Pound has called mechanical jurisprudence. The stickler for technicalities, the man who treats precedents, however outrageous, as always binding, instead of as sign-posts put up for his consideration, will often do as much harm as the other man who permits himself to be swayed either by special sympathy for or special antipathy towards a certain class of his fellow-men, whether those who possess much property or those who do not—and antipathy towards one is just as bad as antipathy towards the other.

Plenty of poor men who are criminals of the worst type escape punishment because of technicalities, just as plenty of rich men do. A long list of such instances could be produced, a list which I think it would be impossible to read without a feeling of very deep indignation. Such a list would include a recent decision in one State under which a murderer was turned loose because he had been convicted under an *alias*, or without giving his *alias*. In a recent decision in another State a new trial was ordered because the prisoner was convicted under an indictment which charged him with stealing hides, and did not specify whether they were cow, mule, or sheep hides. Another instance was perhaps the most striking of all. Two pianolas had been stolen. The indictment described them as "pianos," and because of this a new trial was ordered. On the next trial experts convinced the Court that pianos and pianolas were the same thing; whereupon the Court discharged the prisoner on the ground that he could not be tried twice for the same offense! A reading of these decisions makes one feel profoundly grateful to the Supreme Court of Oklahoma for its opinion—rather breezily expressed—in a case where it very sensibly refused to grant a new trial because a useless word had been omitted from an indictment. The Court said:

> Now that our criminal jurisprudence is in its formative period, we are determined to do all in our power to place it upon a broad and sure foundation of reason and justice, so that the innocent may find it to be a refuge of defense and protection and that the guilty may be convicted and taught that it is an exceedingly serious and dangerous thing to violate the laws of the State, whether they be rich and influential or poor and friend-

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less. . . . If we place our criminal jurisprudence upon a technical basis, it will become the luxury of the rich, who can always hire able and skillful lawyers to invoke technicalities in their behalf. . . . We confess to a want of respect for precedents which were found in the rubbish heap of Noah's Ark, and which have outlived their usefulness, if they ever had any.

The New York Code—Criminal Procedure, §542—now explicitly forbids judges to permit such technicalities as those quoted above to be used for the perversion of justice; and for the last decade or thereabouts this prohibition has been heeded.

A judge must decide the law according to its evident intent, even when that evident intent is repugnant to his feelings, unless the Constitution explicitly forbids it. In the abstract this will be denied by no one. But in the concrete there has often been much ingenious twisting of the Constitution, doubtless entirely unconscious, in order to justify judges to their own conscience in deciding against a given law. I say often. I do not mean generally. The courts must grow and change in opinion just as the other bodies of National expression grow, and as the Nation itself grows. Nor can the courts permit the general and unequivocally expressed will of the Nation to be nullified in accordance with a small or local body of opinion.

It is well to give concrete instances of general principles, and these I now give, to illustrate the principles laid down last week. I shall select first a case in which the judges have rendered incalculable service in standing up for the elementary and fundamental rights of mankind. This Nation has definitely agreed that there shall be no slavery; and what is called peonage, whether among poor white men or ignorant black men, is in its essence an ignoble and furtive desire partially to re-establish slavery. The first blow of really telling character struck at peonage was by the Federal Court of Alabama in the decisions of Judge Jones, a former Governor of the State and an ex-Confederate soldier. A similar service was recently rendered by Judge Thomas, of the same State, in the case of Alonzo Bailey, and the Supreme Court in upholding Judge Thomas's view rendered a signal service to real as distinguished from academic freedom; for it cannot too often be pointed out that absolute liberty of contract when carried to an extreme utterly defeats its own purpose. The leading individualist philosophers, such as Mill and Spencer, have agreed that "the principle of freedom cannot require that a man should be free not to be free." It is not freedom to be allowed to alienate one's freedom; and, as Sidgwick has pointed out, in speaking of this so-called natural invalidity of a contract to become a slave, any "serious approximation to the condition of slavery" amounts to the same thing. Of course this principle should be pushed very much further than leaders of the school of purely individualistic or eighteenth-century philosophy have admitted. No person should by contract be permitted to impose substantial restraints upon his liberty. Freedom to impose these restraints, if given to weak and needy people, simply amounts to defeating the very end of freedom. Academic freedom is the absolute negation of real freedom. Academic individualism defeats itself, whereas freedom in the fact makes for a rational individualism.

The other two cases of which I intend to speak are those to which I alluded in my address before the Colorado Legislature last year as striking instances respectively of infringement upon the rights of the people through curtailing National rights, and infringement upon the rights of the people through curtailing States' rights.

The first is the decision in the Knight Sugar-Case. As to this I quote the opinion, not of a radical or a revolutionary, but of a leading New York lawyer, whose practice has been much with corporations, Mr. Victor Morawetz, as given in the "Columbia Law Review" of December last. He writes:

However, in the Sugar Trust Case the Supreme Court seems to have held that, notwithstanding the Anti-Trust Act, a manufacturing company producing an article of inter-State commerce may lawfully purchase the manufacturing plants and businesses of all its competitors in the same business, although the effect of the purchase may be to monopolize the manufacture and sale of an article of inter-State commerce, and consequently to monopolize inter-State commerce in this article. It appeared that the American Sugar Refining Company had purchased the control of four independent sugar refining companies, paying therefor by transfer of shares of its own stock; that

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refined sugar was an article of inter-State commerce; that all the companies were engaged in inter-State commerce in refined sugar; and that by such purchases the American Sugar Refining Company acquired nearly complete control of the business of manufacturing and selling refined sugar throughout the United States. The Supreme Court held that this transaction was not in violation of the Anti-Trust Act. . . . The decision in the Sugar Case was one of the earliest decisions under the Anti-Trust Act, and, in the opinion of the writer, cannot be reconciled with the subsequent decisions of the Supreme Court. In a number of subsequent cases the Court decided that Congress had Constitutional power to prohibit, and by the Anti-Trust Act did prohibit, monopolizing, or attempting to monopolize, or combining or conspiring to monopolize, inter-State trade or commerce by means of contracts or trade arrangements among competitors; yet it is clear that Congress has no greater power to prohibit the making *of contracts* that are sanctioned by State laws than to prohibit the acquisition or use *of property* sanctioned by State laws. . . . A decision following the supposed authority of the Sugar Trust Case and holding that the Anti-Trust Act does not prevent the effective monopolization of inter-State trade or commerce by combining or vesting in a corporation the plants and businesses of practically all manufacturers and sellers of an article of inter-State commerce surely would not be accepted by the people of the United States as a final solution of the trust problem. Such a decision probably would result in an imperative popular demand for legislation of a Socialistic character, and possibly it might lead to an amendment of the Constitution. Governmental regulation of corporations and trusts as to their organization and their methods of conducting business, while leaving them the fruits of monopoly, would not be accepted as sufficient.

I have already elsewhere quoted the entirely justifiable language of Justice Harlan in dissenting from the opinion of the Court in the Knight Sugar Case, language in which he points out the impotence to which the decision reduced the people of the United States in controlling, in the only effective way possible to control, the great corporations engaged, as every great corporation is necessarily engaged, in inter-State commerce. The movement which resulted in the formation of the Constitution started primarily because of the absolute chaos caused by each State exercising its power as it chose in regard to commerce between the States. As Judge Spring, in an article quoted last week, shows, the makers of the Constitution, the opponents of the clause in question as well as its advocates, alike definitely understood that it vested plenary powers in Congress to regulate all inter-State traffic, and deprived the States absolutely of dominion over intercourse among them. The Supreme Court, under Marshall, decided, and without dissent, that commerce comprehended traffic, interchange of merchandise, and intercourse; and that the National power to regulate was "to prescribe the rule by which commerce is governed."

Judge Spring says:

It is claimed that the tendency now is to arrogate to Federal authority powers not fairly within the province of this delegation. It seems to me there is no marked assertion of authority not within the Constitutional grant, but the increased intercourse among the States, the variety and complexity of the business carried on, necessarily call for more frequent exercise of power. There is a vast difference in the extent of the business in a Nation of eighty millions of people with one hundred and twenty billions of property and that carried on by the four millions of people with their small holdings when the Constitution became operative. The necessity for the exclusive exercise of this power by Congress was never more manifest than in these days of enormous State interchange of commodities. If each State can fix a rate for the carriage of goods by a common carrier crossing its boundaries, the confusion and absence of uniformity which the commerce clause was intended to obviate will again prevail to a far greater degree than existed in the old Confederation, when the transactions were not frequent or varied. One State might, for retaliation, fix an abnormally high rate to redress some real or imaginary injustice by the railroad company. Another, to stimulate trade, or through favoritism, might go to the other extreme. Under the most favorable and judicious system of regulation by the States great disparity would be prevalent, and jealousy and animosity would be engendered. . . . It is contended that the enlarged range now given to the commerce clause is far and away beyond what was contemplated by the framers of the Constitution. Undoubtedly. A written Constitution is couched in general language in order that it may fit changing conditions as they occur. The probabilities are that these varying situations may not be foreseen. The extension of our National domain, the building of railroads, telegraph and telephone lines, the accumulation and combination of wealth, and the amplitude of our internal commercial relations were not within the reach of human ken one hundred and twenty years ago. The intrinsic power of the Government is unchanged whether the commerce among the States is over a dirt road, a navigable river, or a railroad track crossing

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State lines. Because the inter-State business has exceeded the expectations of the Constitution makers and is carried on by other agencies than were employed in their day does not abridge the authority vested in Congress. The extent or variety of the business is unimportant in considering the right of control over it.

The learned judge and the leading corporation lawyer whom I have above quoted, and the Justice of the Supreme Court, Mr. Harlan, in his dissenting decision, have put the case so clearly that I do not see how their view can be successfully refuted. But there is one point upon which sufficient stress has not been laid, except by Mr. Croly in his "Promise of American Life," and that is the far-reaching damage done to the rights of property, no less than to the spirit of Nationalism, by such a decision as that in the Knight Sugar Case. The American people demand that efficient and genuine control over great corporations be exercised by the Government. They will not permanently tolerate the failure to meet this rightful and proper demand. If the National Government, through the National judiciary, confines itself to mere negation, and by one series of decisions denies the National Government power to interfere in the matter, while at the same time by another series of decisions it tries to prevent the States from interfering, the result can only be to cause damage from every standpoint; for confidence in the National Government will be shaken, it will prove well-nigh impossible to prevent States from acting when they have a furiously indignant public opinion behind them, and there will be a real popular loss of confidence in the courts, a loss of confidence by the people at large, which is in no way permanently offset by exaggerated and hysterical praise of the courts by the organs of the capitalistic classes.

I most strongly hold the view that the States should not, and cannot permanently, be allowed to exercise any power, directly or indirectly, over inter-State commerce. Wherever commerce is inter-State the National power is not only supreme but sole. This has been recently and unequivocally asserted by the Supreme Court in deciding the cases brought by the Western Union Telegraph Company and the Pullman Company against the State of Kansas. All questions of the regulation of traffic through any State, if that traffic is inter-State, belong, under the Constitution, to the National Government. The encouragement to the States to act on their own initiative in this matter has come chiefly from the failure of the National Government to act; the failure of Congress to provide laws sufficiently far-reaching; and the nullification of these laws, when enacted, by decisions like that in the Knight Sugar Case. When, by what ordinary men regard as a mere legal subtlety, the power of the National Congress over great corporations engaged in inter-State commerce is reduced to a nullity, it is inevitable that the State Governments should themselves try to step in and take the place which the highest Federal court, in the decision which has become the supreme law of the land, has declared to be vacant so far as the National Government is concerned. A decision like that in the Knight Case invites each State to act for itself, and therefore invites industrial chaos. Such a decision, if consistently carried out, would, as regards one of the prime and vital features of government, undo the work of Marshall and of the Supreme Court during the first half-century of its existence, and bring us back dangerously near the chaos of the days of the Confederation. The power over these great corporations must be exercised. The people will not permit these enormous corporations to be free from Governmental control, for the simple reason that they instinctively recognize the fact that unless the great corporations are controlled by the Government they will themselves completely control the Government. All that the National authorities, legislative, judicial, and executive alike, can determine is whether they shall give effect to the plain intent of the Constitution, and really and efficiently and not with academic ineptitude exercise this power, or whether they shall shelter themselves behind quibbles and technicalities and fail to exercise the power, with the certainty of seeing in a few years the effort to exercise it made by the several States, and chaos and disaster follow.

THEODORE ROOSEVELT.

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THE FUTURE OF RUSSIA

It is a striking and significant fact that, although the governmental reaction in Russia since the suppression of the revolutionary movement of 1905–6 has been accompanied by repressive and punitive measures of unusual and extraordinary severity, the leaders of the Russian Liberals in the Duma, the provincial assemblies, and the press are still hopeful, and even confident, that the fight for freedom, which they have carried on for so many years, will finally be successful. They admit that the present state of affairs is bad—worse, in some respects, than it has been at any time since the assassination of the notorious reactionary Minister von Plehve—but they are not at all intimidated by the Government's repressive measures, nor are they discouraged by their own mistakes and failures. On the contrary, they look forward, with ever-increasing hope, to the Russia of the future—a Russia that shall derive its chief power, not from battalions of armed conscripts and batteries of quick-firing guns, but from the thoughts, feelings, and acts of a morally enlightened, intellectually cultured, and politically emancipated people. For such hope and faith they think they have ample warrant in the awakened intelligence and changed attitude of the men who compose so large a part of the Russian population, viz., the common peasants, or *muzhiks*. Twenty-five years ago, or even ten years ago, this oppressed and unenlightened class was not greatly interested in national questions, and gave little or no support to the revolutionary movement. Now, however, it is awake and alert, and, in spite of bureaucratic persecution and repression, it shows at every opportunity its warm sympathy with all progressive measures and undertakings. Twenty-five years ago ninety per cent of the political exiles in Siberia were from the educated and privileged classes, while now seventy-five per cent of them come from the ranks of the industrial workers or the agricultural peasants. One of the oldest and most experienced of the Russian Liberal leaders, in a recent letter to a member of The Outlook's staff, refers to this changed attitude of the common people as follows:

"Time has not destroyed the hopes that were the subject of our conversation so many years ago, but, on the contrary, has brought some of them to realization and fruition. If you should now make another survey of Russian life and conditions, you would be convinced, I think, that, in spite of many discouraging phenomena—in spite of the severity of some of our administrative methods, such as exile without trial and confinement in prisons that are terrible in discipline and sanitary condition—Russia, as a whole, has made great strides toward the position occupied by more fortunate and more cultured nations. The 'emancipation movement,' as we are accustomed to call it, or, to speak more accurately, the 'Russian Revolution,' was not a superficial agitation, confined to the upper classes of society. It affected all sorts and conditions of men, and awakened the minds and hearts of the whole slumbering population. This was its most notable and most important achievement. We may question the practical success of this wonderful popular movement, and we may fully recognize the servility of our Duma, the Anarchistic ferocity of our 'black companies,' and the lawlessness of our bureaucratic administration; but, in spite of all these admitted evils, we are confident that nothing can now check our cultural development, because the revolution overcame the inertia of centuries, called into action the untried powers of the people, set free their volition, revealed to them their latent strength, and pointed out the path that will ultimately lead to social and political regeneration. We know by what sacrifices human freedom and enlightenment have been bought, but the teachings of universal history justify our optimism."

The writer of this letter—a prominent member of the First Duma—has spent many years of his long life in exile, has been deprived of all political rights, and has recently been punished with a term of solitary confinement in the St. Petersburg prison known as "the Cross;" but, instead of being discouraged or disillusioned by his personal experience, or by the apparent triumph of reactionary forces, he looks to the future with a confidence based on faith in righteousness and in

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"the teachings of universal history." That his faith will be justified by coming events there is not the slightest question. Wendell Phillips once said:

"If you will only multiply the smallest force into time enough, it will equal the greatest. So it is with the slow intellectual movement of the masses. It can scarcely be seen, but it is a constant movement. It is the shadow on the dial—never still, though never seen to move. It is the tide—it is the ocean, gaining on the proudest bulwarks that human art or strength can build. It may be defied for a moment, but in the end it always triumphs."

The Russian people have not yet played their part on the world's stage; but it may be confidently predicted that in the twenty-first century—if not in the latter part of the twentieth—when they shall have escaped from despotic control, and shall have had time and opportunity to develop their extraordinary natural abilities and talents, they will surprise the world with their achievements in science, art, music, literature, education, character-building, and all the higher and nobler fields of human endeavor.

We have reason to congratulate ourselves upon the fact that when the Russia of the future shall reach its full development—when it shall begin to exert the influence that it is destined to exert upon human thought and conduct—we shall enjoy almost unequaled facilities for the study of its history and literature. Few Americans as yet are aware of the fact that we have in the Library of Congress in Washington one of the largest collections of Russian books in the world. It is not equal, of course, to the great national collection in the Imperial Library of St. Petersburg, but with that exception it is probably unsurpassed. It comprises more than eighty thousand volumes, and covers, with extraordinary completeness, the whole vast field of Russian history, as well as every department of Russian thought, life, and activity. In all Europe, outside of Russia, there is no collection of the kind that is superior to it in quality, and none, probably, that exceeds it in size. This great Russian library, strangely enough, comes to us, not from St. Petersburg, Moscow, Kiev, or any of the centers of Russian enlightenment and culture, but from a remote and little-known town in eastern Siberia. Seven years ago, when Mr. Herbert Putnam, Librarian of Congress, went to Europe for the purpose of obtaining books to be added to our National collection in Washington, he heard accidentally in St. Petersburg that a Russian merchant named Yudin, in the East Siberian town of Krasnoyarsk, had been collecting Russian books for almost a quarter of a century, and that he owned what was believed to be the largest private library in the Empire. Thinking that such a collection of books might have great bibliographic interest, Mr. Putnam sent his Russian assistant, Mr. Babine, to Krasnoyarsk to examine it. Mr. Babine reported by telegraph that the collection was one of extraordinary interest and value, and that its owner, Mr. Yudin, would be willing to sell it to a national library for the amount that it had actually cost him. The sum named was not unreasonably large, but it exceeded the available resources of the Library of Congress, and after some correspondence the negotiations for the purchase of the collection were suspended. Mr. Yudin, however, gradually became interested in the plans and work of our National library, as set forth in the Librarian's Annual Reports, and in 1906 he wrote Mr. Putnam that he desired to make his collection accessible to the world of science; that he did not know a more honored place for it than the American National library, and that, if the United States still wished to acquire it, he was willing to dispose of it upon terms that would make it almost a gift to the American people. As the sum mentioned in this letter was less than a third of the actual value of the collection, Mr. Putnam did not hesitate to accept Mr. Yudin's generous offer, and in August, 1906, Mr. Babine, who had gone again to Krasnoyarsk, took charge of the books, and proceeded to pack them for shipment to Washington. The transportation of eighty thousand volumes from eastern Siberia to the United States was a task of no small magnitude; but, at the request of our State Department, the Russian Minister of Ways and Communications gave the Yudin library trains right of way over the Siberian Railroad, and before the end of

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April, 1907, the books were all safely stored in the basement of the Library of Congress in Washington. They have since been gradually unpacked, classified, and placed upon the shelves, and the whole collection is now accessible to American students who read Russian and who are interested in Russian history, literature, science, or art.

There is hardly a field of Russian life and activity, past or present, which this great library does not adequately cover. It contains all the works of the Russian historians and critics, from Tatishchef and Karamzin to Soliviof, Kostamarof, and Kluchevski, and includes among its "source material" complete sets of the Russian Annals, of the publications of historical and archæological societies, and of the provincial commissions whose object is to collect and publish documents relating to the national history. It would furnish ample material for the student of the awakening of Russia under Byzantine influence, and of the later awakening under the influence of western Europe. Among the sciences auxiliary to history, Russian law is represented by a complete set of Russian civil and criminal codes, and this serves as a basis for a rich collection of theoretical and historical works on Russian legislation and the development of Russian institutions. Much space is also given to Russian travel and geographical exploration. The works of all the prominent Russian travelers are present, as well as a complete set of the publications of the Imperial Geographical Society. The library abounds in books relating to the history, archæology, and ethnology of Siberia, and includes several hundred manuscripts dealing with the Russian administration of Alaska. In complete files of periodicals the collection is notably rich. It contains sixty sets of literary and historical magazines, which cover a period of one hundred and fifty years, and which, in themselves, make a library of six thousand volumes. It is doubtful whether even in Russia there is a collection of Russian periodicals equal to this in scope and completeness.

At the present time there are comparatively few scholars in America who know the Russian language and who are able to make profitable use of this admirable library; but a century hence, or two centuries hence, when the Russia of the future shall have fulfilled the promise of the present, the number of such scholars will increase a hundredfold. Then—but perhaps not until then—will Americans fully appreciate the far-sighted judgment of the present Librarian of Congress in obtaining, while it was still possible to obtain, the complete historical and literary records of a people whose thoughts and achievements are destined to exert a profound influence upon the whole world.

THE FRENCH CABINET CRISIS

The fall of M. Aristide Briand, Prime Minister of France, was brought about by one of those unnatural combinations of Clericals and Radicals which are the bane of French politics. France has taken long strides in political education; but the group system still prevails, and patriotism has yet to be substituted for the smaller ends of factions. To drive out of power a man of such force as M. Briand by any combination which can be effected for a moment to achieve that end is not to play the great game of politics with courage and conviction, but the smaller game of sterile obstruction. Such a defeat will not check for any length of time the career of a statesman; and M. Briand has proved himself in many respects to possess the large-mindedness, breadth of view, and courage of a statesman.

He was born in Nantes, a city which has bred strong men, in 1862, educated for the legal profession, and won a reputation at an early day as a man of ability and scholarship, and at the same time an advocate of extreme Socialistic views. His first appearance in the Chamber of Deputies was as a representative of the revolutionary Socialists; and at one time he served the party as editor of a Socialistic paper. When he was called to the Premiership two years ago, on the fall of the Clemenceau Cabinet, and accepted the portfolio of the Ministry of Public Worship, his Radical allies expected that he would push the Radical programme. But in this case, as in that of many Radicals of large ability, official responsibilities

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tempered his zeal, and brought him face to face with the larger problems of public life. He had come into notice as the reporter of the Church and State Separation Bill; and his Radical supporters expected that he would apply the provisions of that bill with drastic severity. But M. Briand ceased to be a partisan when he became a responsible Minister, and his management of the relations of the Church to the State was marked by the strictest conformity to the law. He was loyal to the interests of the State and to the legislation which had brought about the separation of the Church from the State; but he interpreted that legislation in such a way as to lay the foundation for a working relation between the two bodies. He was firm but conciliatory. This gave great offense to his Radical supporters, who would have been satisfied with nothing short of absolute and destructive antagonism to the Church. In his dealing with this delicate and difficult situation he showed that courage which is a large part of wisdom, and the common sense which a statesman brings to the solution of difficult problems.

The test of his ability and courage came at the time of the strike on the State railways, an industrial disturbance which became political, and created a dangerous crisis requiring both judgment and supreme courage. The Radicals who had been M. Briand's supporters expected him to deal with that crisis from the Radical standpoint, instead of which he dealt with it from the National standpoint. He had ceased to be a man of a class and become the leader of a nation. He met the strike and showed himself master of the situation by enforcing the law, calling out the strikers as reserves in the national army. This left them no alternative but disobedience to their leaders or to the Government, and the strikers did not wait long in making their choice. Having secured tranquillity, M. Briand immediately applied himself to the problem of providing means of settling labor disputes in such a way as to secure prompt hearing for grievances and a trustworthy method of removing them. His courageous suppression of the strike had alienated the Socialists; his proposals for redressing the possible wrongs of the strikers alienated his more conservative supporters. He has been several times attacked by fanatics. A few weeks ago two shots were fired at him from the gallery of the Chamber of Deputies. Not long ago he was assaulted while unveiling a statue. Two months ago, when some of his colleagues became dissatisfied with the alleviating legislation which he proposed for strikers on the Government roads, he eliminated them and organized a stronger Ministry; and when, at a recent session of the Chamber, a coalition of Radicals and Clericals reduced his majority to 16, he resigned, giving ill health and weariness as reasons for this action. So far as the situation can be correctly judged at this distance, M. Briand on his accession to power rose promptly from the plane of politics to that of statesmanship, managed the affairs of France with wisdom and courage, in a great crisis saved the country from what might have been dangerous disorder, and proved himself a faithful servant of the Republic. Such a man is not likely long to remain out of power.

M. Antoine Emmanuel Ernest Monis, Vice-President of the Senate and Minister of Justice in the Waldeck-Rousseau Cabinet, has, at the request of President Fallières, formed a Ministry, of which he is to be the head. M. Monis is by no means a brilliant man, but he has secured widespread confidence in the public positions he has held. The only widely known member of the new Cabinet is M. Delcassé, who was largely instrumental in bringing about the Anglo-French alliance, and whose course regarding Morocco awoke very bitter enmity in Germany, and nearly precipitated a crisis in the relations of the two countries. Although M. Delcassé does not go back into power as Foreign Minister, but as Minister of Marine, his position in the new Cabinet may be resented by Germany. The critical question respecting the new Ministry will be that which faced M. Briand and his associates. Will it accept the dictation of the Extremists with regard to religious and economic matters; or will it deal with these matters as the previous Cabinet dealt with them, in a spirit of conciliation and broad-minded regard for the interests of France?

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THE SPECTATOR

When the Spectator wishes to get out of the world, the little world which he, like the rest, inhabits—as a spider inhabits its web, whether in the hope of prey, through habit, or for protection—he rarely finds it necessary to step more than a pace or two outside of the beaten track daily worn by his feet. All about lie new worlds, as, indeed, he has had the pleasure of suggesting to the readers of The Outlook. But in order to reach a sphere as different as possible from his own, to leave behind him all that is familiar, he has found that the shortest route leads him to that wonderful collection, the Metropolitan Museum of Art. Here is the New Yorker's veritable fairyland. Time and again has the Spectator entered the great building with a fixed purpose, but only once or twice has he failed to be lured from the straight path mentally marked out, just as the Prince in the fairy tales, when bent upon some assigned task, is lured aside by magic voices, by strange appearances, a strain of music, or other entrapment of the senses.

Knowing that the collection has recently been enriched by two paintings of the great Venetians Veronese and Tintoretto, the Spectator had mentally registered a vow, by the shade of Ruskin, to render admiration at these shrines. And, be it said to his praise, fitting oblation of the spirit was offered to the great Paolo before his wonderful canvas, "Venus and Mars Bound by Cupid," a painting that is a true art treasure, destined to benefit the people for years to come. The Tintoretto is but a sketch, powerful and inspiring enough in its promise, but hardly an accomplishment.

The good fairies guarded the Spectator from interference until his pleasing duty to these masterpieces had been rendered, and then came the witchery of the casual. Whether it be the Spectator's fault or not he is too free from introspection to decide, but his weakness is most evident before the plastic arts, and, firmly as he may resolve to remain in the rooms where paintings are enshrined, there is always some magnetic impulse drawing him with a power he cares not to resist, until he finds himself wandering amid the marbles and the casts that hold by the magic of form the stories of old civilizations. He is grateful that for a year or two these have received the care they deserve, and have been so placed as to appeal with full strength to the visitor. From the crudest archaic reliefs to the completed masterpieces of the great Greek age is a mental journey of wondrous length and of a fascination beyond resistance.

The Spectator has his favorites. There are one or two statues and busts in each room before which the feet are stayed while the mind wanders busily. A cast of Julius Cæsar's marvelous countenance, after the bust in the British Museum, perhaps says more to the Spectator than any other one of all the plaster ghosts. Let him who cherishes the fancy that he can read character test himself by this most elusive of human faces. Whether it be an ideal head of a Greek god, the portrait of some dainty dame of Fontainebleau, or an unknown woman of the Renaissance, there is no other face in the whole collection that is such a combination of reticence and power. Unbidden there come to mind the lines from "Macbeth:"

> "Your face, my thane, is like a book
> Where men may read strange matters."

Meanwhile a human being half his own size, whom Thackeray would have described as a "delightful, scrubby little boy," paused, perhaps to see what held so long the Spectator's attention. It is a most unhappy fact that we seldom come in contact with the young without the wish to test their schooling, to learn how far they have gone upon the road we long ago traversed. So the Spectator, pointing to another bust, asked his young friend, "Do you know who that is?" The answer came promptly from the public school boy, "Yes, sir." "Who is it?" "It is a great man." It would have been cruel to press the question further. The Spectator was withheld by memories of his own school and college days, when he himself hopefully would fire a charge of generalized buckshot in the hope of hitting the required mark. So he said nothing, and passed to another bust, a great dame of France.

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"Do you know who that is?" Again came the familiar "Yes, sir. It is a great lady." The Spectator bowed in humble admiration. He had met a man with a formula, and well knew with how little change the same answer would have solved every historical puzzle the rooms presented. Meanwhile, the boy, deciding in his own mind that there was no excitement in prospect with one of "them question fellers," sidled away to gaze curiously at the recumbent effigy of a knight, while the Spectator turned to another of his favorites—a bust of Robespierre.

As Cæsar was a grand mystery, Robespierre presented a diabolical riddle. The Spectator has, he fondly dreams, a clever touch with his pencil, yet he confesses with humility at least a half-dozen attempts at a truthful sketch of the strange face of the French revolutionary. Robespierre is a veritable chameleon. One may walk in a semicircle about the plaster head and receive a different and contradictory impression with each shift of position. View the left side, and the words "sneering devil" express what is seen; but a few feet give a new view, and one says "a heartless doctrinaire." Forward again, and one thinks of Simon Tappertit, of cruelty springing from ignorance. And so it goes, until, seeing the right side of the face, one expects from those plaster lips a joking reply such as one would attribute to a scion of the Emerald Isle. Within an arm's length of Robespierre stands a bust of Voltaire, this being that well-known portrait that seems almost to chuckle with a refined appreciation of a joke now in its dotage, if not consigned to the dust-heap of the ages. Seeing Voltaire and Robespierre together, one could fancifully imagine the latter to be spiritually the son of the former, and a son who translated into abhorrent fact what the other had imagined for his own delight, without thought of serious outcome.

This will give a hint of the Old World paths to which these plaster forms are compelling guides with whom one cannot refuse to journey. And just at hand, merely around the corner, one may secure a change of scene compared to which Arabian Nights transformations are but probabilities. Enter the room devoted to the Greek vases, and you are as far from Cæsar and the great Frenchman as from the busy avenue outside. At another time the Spectator might have seen these earthenware vessels as bits of pottery, but he was caught by the charm of the drawings upon them, and conjured before his mind the Greek decorator, who was to his day what the illustrator is to ours, and who filled these terra cotta surfaces with figures and groups—dances, huntings, religious services, bridals—and so preserved for us the dreams of his time.

There was no one to distract the Spectator from his wandering in Olympia. Now and then an investigator would make a hasty traversal of the room, but, commonly, as indifferently as a bee might pass over honeyless flowers. There is something pitiful in the blindness and deafness of the ordinary uninstructed visitor to these collections, and the Spectator wondered whether it might not be wise to supply a placard, or other form of information, if for no other reason than to awaken a knowledge of ignorance in the passer-by. On the day of the Spectator's visit many throngs of children were wandering about under the guidance of pedagogues—true "child-leaders," as the Greek word means—and the Spectator wondered whether the trustees would take kindly to the suggestion of establishing a Children's Room. For this the Museum has ample material, and such an exhibition as might here be gathered would plant in thousands of children that desire to know more which is the beginning of wisdom. Such a room has been established in Washington with success, and there is even a Children's Museum in our sister borough across the East River.

The Spectator would gladly enliven these annals of an afternoon by more of human interest, but in the parts of the museum where he wandered the only more animated figures than the casts themselves were a few rather somnolent attendants, save for the birds of passage that flitted unknowingly through the ancient air and spoke not, lest all the white ghosts might follow on their trail.

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HUMPTY DUMPTY'S QUESTION, AND ITS ANSWER

In an article entitled "The Passing of Humpty Dumpty," published in The Outlook for January 7, Ernest Hamlin Abbott, a member of The Outlook's editorial staff, gave an account of the principles involved in the application of science to the management of industry and the consequent astonishing results. He contrasted these principles with the methods followed by the traditional manager. This article called forth a number of letters of inquiry for further information. These letters showed the widespread interest in the subject on the part of the managers of large industrial concerns. In addition to these letters, there came the following article by Mr. Fagan, who, as our readers will note, takes a critical attitude toward the subject of scientific management. Mr. Fagan is a towerman on the Boston and Maine Railroad. He has contributed to the "Atlantic Monthly" a number of articles on the conditions of labor on American railways. Those of our readers who treasure "Alice Through the Looking-Glass" will remember that Humpty Dumpty made any word mean whatever he wanted it to mean, asserted his mastery over words, in fact, and quite magnanimously explained that he paid them extra for extra work. Mr. Abbott took Humpty Dumpty as a type of the traditional or "born" manager, in contrast with the man who is manager by virtue of scientific training.—THE EDITORS.

I—WHICH IS TO BE MASTER?

BY J. O. FAGAN

"'THE question is,' said Humpty Dumpty, 'which is to be master—that's all.'"

There is a more definite and a clearer interpretation of the situation on American railways in Humpty Dumpty's simple question than is to be found in all the scientific data and conclusions that have been given to the public during the past ten years. This is the preliminary question in regard to capital and labor that confronts management of every description.

In explaining this statement let me begin with a quotation from the article in the issue of The Outlook for January 7 on "The Passing of Humpty Dumpty," as follows: "Whether it is a football team or a college faculty, a shoe factory or a railway, a machine-shop or a hotel, every body of men engaged in a common task requires management."

It must be remembered that the railway manager of to-day, call him Humpty Dumpty if you will, is no fool. Once upon a time, according to The Outlook, he could be looked upon as a "born manager," fully equipped and competent. Since then, of course, he has had his ups and downs, but he has done his best to keep pace with the times. To a considerable extent, like the rest of us, he has tried to profit by his experience, and one way and another he has been mounted on the wheels of progress. In fact, reports to the contrary notwithstanding, he actually has to-day a planning department, and early and late he keeps constantly before him, to the best of his ability, its two principal features, namely, "What to do" and "How to do it."

Furthermore, putting aside for the present all questions relating to his ability to work out his own plans in his own way and to utilize the resources behind him, he is much more likely, with all his inside experience and training, to understand the possibilities and difficulties of the situation than any combination of outside opinion whatsoever.

For one thing, then, the manager of the modern railway does not, either deliberately or ignorantly, play fast and loose with the problems of economy and efficiency in his own workshops. But his work up to the present time, though painstaking and fairly successful, has been in the nature of a compromise, for the reason that the flat installment of a scientific system minus the requisite ability and authority to maintain it is bound to result in industrial confusion. As a matter of fact, American railways to-day are to a

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great extent in a state of industrial confusion, because they are actually tied up, scientifically and otherwise, in problems relating to Humpty Dumpty's pertinent inquiry, "Which is to be master?"—scientific management or scientific labor—"that's all." By "scientific" labor is meant the systematizing of labor by and for the laborers, under the organizations whose officers plan their movements and direct their strategy. This scientific direction has for its object the pecuniary advantage of the laborer regardless of the welfare of society as a whole.

But while scientific management has been explained and elucidated with infinite detail by distinguished authority, notably by Mr. Brandeis, so far as the present writer is aware *scientific labor* has never yet been presented to America's public opinion, either one way or another, with the emphasis that should properly be attached to it. The Outlook has referred to the importance of the general discussion, however, in these words: "This is something that concerns us all. It is not merely of interest to those engaged in business."

At the outset, therefore, it will be well for the writer to state clearly the object he has in view in writing this article. My purpose is not in any way to try to disprove or minimize any theories whatever of scientific management on railways, or the possibilities of economies connected with them. My contention is simply contained in the facts that the present-day management on American railways thoroughly believes in scientific methods with a view to economy in operation, and that scientific labor, on the other hand, is unalterably opposed to anything and everything of the kind. Consequently, if it can be demonstrated that scientific labor is more powerful than scientific management in the particular field covered by these proposed methods, it surely follows that public attention should be directed to this fact, and that nearly all arguments, measures of reform, and scholarly advice should be directed at scientific labor, upon whose consent and assistance in the matter scientific economies of every description are absolutely dependent.

Getting closer to my subject, it must now be understood that my interpretation of present-day management is directed almost exclusively at the railways, for, after all, the heart of our problem is the proposed scientific method by means of which the railways of the country "may be expected to make a saving estimated at a million dollars a day."

Now, on every railway in this country there are what may aptly be called two great streams, or sources, either of influence or authority, under direction of which it becomes everywhere possible to move trains, regulate traffic, secure revenue, pay wages, and keep the different and complex departments of the railway business moving along harmoniously and efficiently. I refer, of course, to the work, function, and spirit of the manager and the employee.

As an actual fact, then, the managing department is scientifically conducted only in spots. The business and interests of the employee, on the other hand, represented by the compact and yet all-comprehensive term "labor," are scientifically planned and engineered from the center to the circumference every day in the year. The reason for this remarkable and significant state of affairs is spread over the surface of things. Management on railways cannot be scientifically conducted either in small or great because it is neither compact, definite, nor clothed in any wide or sufficient sense with the necessary authority. In other words, it is at the beck and call, and in many ways actually under the thumb, of a number of extraneous influences, such as public opinion, National and State regulation, political direction or misdirection, as well as a number of social and industrial forces which criticise, attack, and try to mold it from every conceivable quarter. Through the midst of it all management, as best it can, steers, of necessity, a very haphazard and unscientific course. This description applies to the railway as a whole, and particularly to the operating department. Never mind, such seems to be the will of the people.

But now, turning to the other arm of the economy and efficiency problem on railways, we find labor, as I have said, scientific in every fiber of its trunk and branches, for the very good reason that it has a "What to do" and "How to do it"

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department that has knowingly and very scientifically divorced itself from the outside world. In the history of American railways "labor" has never yet received even a jar or a check from public opinion, nor have the public interests been permitted to penetrate its solid and invulnerable front. The implied bargain between the rank and file and the executive department of labor places the latter in absolute and supreme control. This implied bargain is not an industrial secret. It is to be read in every new schedule that is presented for the manager's signature. Shorn of its frills, it reads something like this: "Get the money and shave the conditions." This is the scientific formula behind which is intrenched the solid vote of the rank and file. And thus the management of the present day, call it what you will, doing its level best under sternest regulation and under multifarious guidance and criticism, is having a boisterous time of it.

Such, at any rate, is the ground plan, the actual status, and the inside history of the "What to do" and "How to do it" departments of labor on American railways. The question naturally follows, What kind of human creatures are these millions of highly organized and scientifically generaled railway men, anyway? There can be but one answer. They rank very high—in fact, they are among the very best and strongest fellows on earth. Only step outside the charmed circle of the railway man's organized effort and you may well rub your eyes. True, these results have been obtained partially, at any rate, at the expense of society. Nevertheless, the verdict upon the whole must be "Good for him." He has simply treated his side of the situation, which The Outlook refers to as "the natural interest of the worker," in a purely scientific manner. He is not now at war with anybody. He has taken the scientific cue from Mr. Emerson, Mr. Taylor, and Mr. Brandeis, and handled his concerns as those gentlemen do bricks and pig iron, and he has won out. Consequently, if the public has any interest in scientific economy, or if the managers are called upon to save a million dollars a day, they must simply get on to their jobs.

The writer has lived among railway men for something like thirty years. As it seems to him, from the educational, social, and industrial standpoints these men have almost, if not quite, solved the problem, as it concerns them, of wages and conditions. At any rate, they have solved the riddle of "What to get" and "How to get it." Industrially they are world wonders. For the scientific ascendency of labor on railways is complete and the rewards are unlimited. The practical demonstration of this state of affairs is to be met with on every side.

Now that we know the attitude and strength of scientific labor, the next question is, What is this combination doing on the railways to-day? Having noted its ascendency as a practical institution, what kind of a stumbling-block, for instance, is it in the way of saving a million dollars a day? Of course a mass of theoretical data about the fundamentals of scientific management is extremely useful, yet surely it is pardonable to inquire if any or all of it can be practically, even if remotely, put into operation?

Let us take the railway to-day just as we find it and treat the question in a sane and intelligent way. For example, taking a wide sweep of the situation, after your brick or your pig iron has been scientifically handled and placed right side up, how many of these bricks is scientific labor actually willing to lay in an hour? In all such matters scientific labor proposes to keep pace in its own behalf with that scientific management which aims towards industrial efficiency.

Again, supposing scientific management, overlooking the operating department, sees all sorts of jobs, situations, and dangers calling by all means for scientific treatment and protection. Scientific management, we are told, "necessarily involves the scientific selection of the workman." So the question arises, Can the manager select his men on the railway to-day? Can he select his best man as Mr. Emerson would select his best tool or as the bricklayer selects his most suitable brick? By no means. Scientific labor refuses to be handled in this way, and insists upon the seniority method, which is a social wrong and an economic waste.

Again applying scientific methods to its own affairs and wiping out every indication of it from the side of the manage-

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ment, scientific labor insists that one man is as good as another if he covers the same or a similar job. According to this view, there is no difference in boilermakers or towermen. In this way the scientific organization of labor is kept intact and scientific management drops out of the question.

There is no use whatever to multiply illustrations; the situation and prospects in railway shops are working out in a line with those on the road. All this goes to show that if scientific management is a good thing on railways, the literature on the subject should at least be directed at the forces that are in its way if the possibilities of economical operation are to be taken advantage of.

But while I am about it, I may just as well say a word or two about another much-abused and little-understood situation on railways, scientifically termed co-operation. The idea on railways is still in the embryo state. That is to say, no mortal can tell what it is or what it is not. On nearly every railway the manager has had occasion to say to committees:

"Look here, boys, you get this extra twenty-five cents a day, but I tell you frankly I don't like it. It strikes at the very root of what you may call honest relations between managers and men. Go home now and think it over. Perhaps in your hearts some of you will conclude you are not as much in, after all. I am trying to treat you fellows in a human way; you, on the other hand, treat the whole business from the standpoint of your organization. You may be right, but I doubt it."

The matter seldom ends there. The manager at times meets one of these men on the street, and the committeeman strikes in somewhat as follows:

"Mr. So-and-So, you seem to be always contending for a principle, a mere question of right and wrong. I wish we could do the same, but I am afraid that is sometimes impossible for us. You understand it even better than I do. On some out-of-the-way railway in some Western State a certain concession is secured because of peculiar local conditions. The twenty-five cents you kicked about the other day arose in this way. Well, you see, if they get it out there, we must also get it on our road. The cohesion of labor interests depends upon this kind of treatment."

Labor treats the idea scientifically, I say, with results that are most perplexing.

To illustrate this point it will have to be taken for granted that co-operation, no matter where or when, must be flexible. It must be willing to move down upon occasion as well as up. It must be willing to give as well as to take. But this reasonable principle has practically been killed over a wide area of railway life by the dictum of scientific labor never to yield a word in matters relating to conditions or a cent in the matter of pay. Of course there may be an exception or two, but this is, in fact, a blanket understanding. Over and over again scientific management has tested its co-operative relationship with scientific labor. In a time almost of panic, when a number of railways were actually tottering, and even when the rank and file of the men in some places were willing to help out, the headquarters of scientific labor sent a telegram to all concerned, putting a stop to it in words very much as follows: "Labor is not to be trifled with."

But now, under these circumstances, even supposing scientific management should be able to save a million dollars a day, what does any reasonable person suppose would become of it? If what has happened in the past can be taken as an indication of what will happen in the future, it can be confidently assumed that scientific labor will find a way to turn most of it back into its own treasury.

In the opinion of the writer, however, a frank explanation and a general understanding of scientific labor on railways to-day is necessary, for one good and sufficient reason. Saving a million dollars a day is a practical proposition that has actually very little relationship with theories that may or may not be practically in force twenty years hence. The problem relates to the saving of money and the adjustment of rates here and now. The whole business should be shorn of the theoretical treatment that is being applied to it. In other words, looking over the field and taking into account the standing of scientific labor in the matter, what practical basis is there for a supposition that the

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railway is to-day, or ever will be, a field for scientific saving, without the consent of the principal party concerned in it? Scientific labor holds the key to the situation, and there is not the slightest indication that the bars will ever come down until public opinion takes a hand in the game in its own interests. Coming back again to Humpty Dumpty, "The question is, which is to be master"—scientific labor or scientific management—"that's all."

II—ANSWER, "BOTH!"

BY ERNEST HAMLIN ABBOTT

IN Mr. Fagan's article there are two assumptions. First, it is assumed that the state of war between capital and labor is necessarily permanent. Second, it is assumed that "scientific labor" consists in a high degree of organization for securing labor's share of the spoil of industry.

In showing that in any industry established on a war basis scientific management is useless, Mr. Fagan's argument is altogether convincing and unanswerable. There seems to be no practicable way, as Mr. Fagan makes clear, by which the railways of the country can compel great organized bodies of railway employees to become obedient and submissive. Mr. Fagan states the present issue conclusively when he quotes Humpty Dumpty's question, "Which is to be master?" He makes it plain that the railway business of the country—and he might have included our general industrial system—is on a war basis. It consists of a struggle with men representing capital on the one side, and men representing labor on the other.

Mr. Fagan has rendered a real service by showing how indecisive that struggle is. There is something pathetic in Humpty Dumpty's question as it is applied to the present industrial condition. As I pointed out in the article to which Mr. Fagan refers, Humpty Dumpty is a type of the traditional manager of industrial concerns. It is no wonder that he puts his position in the form of a question. Under present conditions, no one can tell, from one day to another, who is to be master. From Humpty Dumpty's point of view, the war basis is permanent; and the only pertinent question is as to who will win.

So long as the manager of a railway, or of a manufacturing concern, looks upon his problems from Humpty Dumpty's point of view, he will cut a figure of pathetic helplessness. Mr. Fagan has put Humpty Dumpty's case with appealing forcefulness. And the pathos of his situation is emphasized by his disappointment over scientific management. He has evidently heard of the wonders accomplished by this new principle of business, but upon examination he finds that it can bring him no consolation. Why? Because he has expected of it that it would show him how he could win his battles against labor, and he finds that it will do nothing of the kind. Humpty Dumpty has no use for scientific management, for the simple reason that scientific management has no place for Humpty Dumpty.

What Mr. Fagan, as spokesman for Humpty Dumpty, assumes—that industry must involve a struggle between capital and labor—is without foundation. It is one of the prerequisites for the adoption of scientific management that this attitude of antagonism on the part of capital toward labor should be absolutely and without qualification abandoned. The moment any manager attempts to use a device to get more labor out of his employees at their expense, that moment he makes scientific management in his shop or his concern impossible. Scientific management is not a system by which men can be driven to put forth more effort. It is a system by which, in the first place, men can get more and better results with the same effort as, or even with less effort than, before, and, in the second place, they can get for themselves an exactly fair share of the increased rewards for increased efficiency. If a railway manager, adopting Mr. Fagan's—that is,

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Humpty Dumpty's—point of view, thinks that by means of scientific management he can get the upper hand in a struggle with his men, he will arouse his men's antagonism, and he ought to arouse it. What those men will oppose is not, however, scientific management, but the manager's misconception of it. And in doing so they act intelligently.

Now for the second assumption. Mr. Fagan uses throughout his article to designate the highly organized unions the term "scientific labor." Many readers of his article will fail to recognize the fact that Mr. Fagan here uses the word "scientific" in a very loose sense. Every period has its own vocabulary; and one of the words in the vocabulary of the present period is this word "scientific." It has become a cant term to denote anything efficient—"scientific boxing," for instance. Of course this is not the sense in which it is used in the phrase scientific management. There it is used in the exact sense of the laboratory. As a matter of fact, the labor on the railways of this country, taken as a whole, is very far from scientific. In fact, so far from "scientific labor," in the accurate use of that term, being opposed to scientific management, it is an essential element in scientific management. The very object of scientific management is to put at the disposal of labor all the aid that science can offer. To quote Mr. Brandeis: "The management, instead of undertaking to order and compel work, is aiding the workman to accomplish the results. It is aiding him in this way: By using every effort to make possible the largest accomplishment, invoking science in its highest form to the humblest occupation of the humblest worker."

As soon as a manager takes this view of his duty to the laborer, unskilled as well as skilled, recognizing that it is his duty to give to every laborer under his management each new benefit that science discloses, he will find his old labor problem disappear. If a new labor problem takes its place, it will be simply that of making clear to those under him that these benefits are indeed benefits to them. And as his spirit of antagonism vanishes, he will see that the spirit of antagonism on the part of employees will find it difficult to survive. This is not theory; it is the report of actual experience.

The great obstacle to the adoption of scientific management is not the labor union—it is the traditional manager; it is not Mr. Fagan's hobgoblin, "scientific labor;" it is Mr. Fagan's ward and client, Humpty Dumpty.

Fortunately, the ordinary man of business in America, I am convinced, is not wedded to tradition. He is open-eyed and open-minded. He has a prejudice in favor of that which is new. When he learns of some novel device or some fresh idea, he does not first sit down and elaborate arguments against it; he rather starts up to find what it is and what there is in it for him. Humpty Dumpty is not an American type. He is in the minority. His question will be answered. Who will be master? Not he.

It is science that has built our bridges, our sky-scrapers, our machinery. It is science that has coaxed brilliant colors out of petroleum waste. It is science that has sent men flying above the clouds. So it is science that is going to make labor efficient, honorable, and free from crippling fatigue—science in the hands of the enlightened manager.

Even with the assistance of all the king's horses and all the king's men, I do not believe that Mr. Fagan can put Humpty Dumpty together again.

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THE JAPANESE IN MANCHURIA

BY JEREMIAH W. JENKS

PROFESSOR OF ECONOMICS AND POLITICS, CORNELL UNIVERSITY

Mr. Jenks has had unusual opportunities for studying the situation in the Far East. In 1901–2, as a special Commissioner of the War Department, he spent a year in visiting the possessions of Great Britain and Holland (Egypt, India, Burma, the Straits Settlements, the Federated Malay States, Java, and Sumatra) in order to study with care the policies of those countries in dealing with their dependencies. It was thought that much might be learned which would aid the United States in her government of the Philippines. In 1903–4, at the request of the Chinese Government, Mr. Jenks, as a member of the Commission on International Exchange, with Messrs. Hugh H. Hanna and Charles A. Conant, visited Great Britain, France, Germany, Holland, and Russia, to discuss with the Governments of those countries the best methods for China to adopt in reforming her monetary system. Mr. Jenks then spent a good part of a year in China in working on the problem with the Chinese Government. He likewise visited Japan to consult at length with the Government and the financiers regarding the problem. Since then his interest and his personal relations with the East have continued. For years he has thus been in close touch and on terms of friendly intercourse with several of the statesmen of China and Japan as well as of other countries in relation to Far Eastern affairs.—THE EDITORS.

SO much of a sensational nature has been said of late regarding the relations of the United States and Japan in connection with the "control of the Pacific," with Manchuria and with China, that I welcome the opportunity to present, in as dispassionate a way as possible, my opinions on the question.

While I have highly valued friends in Japan and China and the United States who have often talked with me regarding the conditions under discussion, I am expressing here only my own views, and presume that no one of my friends would agree with all of them.

THE ENTRANCE OF JAPAN INTO MANCHURIA

Japan came into control of the railways in southern Manchuria and into a position to exert her present great influence on politics and trade in that country as the result of the Russo-Japanese War. That war the Japanese statesmen had doubtless considered inevitable from the time that Russia had secured its lease of Port Arthur from China in 1898. It will be recalled that at the close of the China-Japan War in 1895 Japan had at first expected to retain Port Arthur and the Liaotung Peninsula, but that Russia, acting in conjunction with Germany and France, protested against this retention on the ground that it would endanger the peace of the Far East. The protest was made in such terms that Japan thought it wise to yield and to accept in lieu of this territory an additional money indemnity of 30,000,000 taels. When it became evident, from Russia's lease of Port Arthur and from the securing by Germany and France of other territorial concessions from China, that their motives had not been unselfish in their protest against Japan's retention of Port Arthur, Japan naturally felt aggrieved. A glance at the map shows the situation. Japan practically controlled the water route between the Russian ports of Vladivostok and Dalny, with the adjacent Port Arthur, a position intolerable to Russia; while Russia's evident designs upon Korea and Manchuria created a position intolerable to Japan. These facts rendered war inevitable; the only question was, when?

JAPAN AGREES TO MAINTAIN THE INTEGRITY OF CHINA

Japan entered upon the war with a declaration that she would maintain the integrity of China's territory (communication to Chinese Government, February 17, 1904). Later she declared (French-Japanese Treaty, June 10, 1907; Russo-Japanese Treaty, July 17–30, 1907), as she had joined the other nations in declaring earlier, in favor of the open-door policy for trade—that is, that no discrimination should be made against any nations in their trade with China, including Man-

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churia. I assume that Japan intends to live up to these declarations: first, because Japan has heretofore always tried to keep faith with the Western Powers; second, because, in my judgment, it would not pay her not to keep faith in regard to Manchuria.

IMPROBABILITY OF WAR BETWEEN JAPAN AND THE UNITED STATES

So much has been said about the possibility of war between Japan and the United States that this most improbable catastrophe for both nations should be mentioned first.

Every American knows that the United States will never be the aggressor in a war against Japan. She would have nothing to gain by such a war, and the loss in men and property would be enormous. It would be a distinct block to her progress, and public sentiment would not tolerate it.

But (and I say this primarily for the comfort of a few fearsome Americans), in my judgment, Japan, likewise, could in no way afford to be the aggressor, for the following reasons:

THE HEBREW FINANCIERS OF THE RUSSO-JAPANESE WAR

1. It would be impossible for Japan for some time to come to finance such a war. The financiers would not now let Japan fight the United States. The great war loans for the Russo-Japanese War were mostly made to Japan by Jews. As long as Japan could offer fair security we can well imagine—indeed, there is excellent authority for believing—that they loaned money to secure the punishment of Russia, the persecutor of Jews, with more than their usual cheerfulness. On the other hand, the United States is the haven to which persecuted Hebrews flee. With possibly one exception, no other country offers them such opportunities, and this would doubtless weigh somewhat even in the question of making a war loan.

JAPAN'S CREDIT

2. Japan could not now offer so good security as before the Russo-Japanese War. Her credit at the close of the war was strained to the utmost. Her loans were declining in value. Those war debts are not yet paid. Her people could not bear higher taxes without crippling industry. Before the end of the war the local rulers said that they had practically reached the limit of their resources, and mere boys were being sent to the front. No investor of sane judgment would advance money to a country so hampered, to fight so hopeless a contest.

THE RESOURCES OF JAPAN

3. To be sure, in case of war, if an attack were made with little notice, Japan might quite possibly gain some advantage at first. The Philippine Islands, the Hawaiian Islands, even our Pacific Coast, might possibly be attacked with some success; but no one who knows at all the spirit of the American people and who compares their resources with those of Japan can doubt for a moment the ultimate outcome. With a larger naval force, with a population twice as large, with wealth many times greater, with an absolutely smaller interest-bearing debt on which the interest burden is less than one-half, with resources for taxation which could, in case of need, yield an annual income greater than any fund or loan which Japan could possibly make, the overwhelming victory of the United States in the long run would be certain.

THE ATTITUDE OF JAPAN'S NEIGHBORS—CHINA

4. Moreover, Japan could not find herself engaged in a war with the United States without imminent danger to her present position in the Far East. First, the Chinese feel very restive over the present attitude of Japan in Manchuria. The Chinese army is rapidly becoming more effective. The Japanese, as individuals, in their treatment of the Chinese have in many instances aroused hostility, and it would not be unlikely that, with a little encouragement when Japan was under severe pressure, the Chinese would promptly seize such an opportunity to regain unquestioned control of southern Manchuria and its railways. They would not have to seek far for excuses.

ATTITUDE OF RUSSIA

5. Again, does any one imagine that Russia would long maintain her present friendly relations with Japan if the latter country were straining her resources in a war with

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the United States? Korea would still be tempting to Russian statesmen, and possibly other territory of Japan might not be safe.

ATTITUDE OF GREAT BRITAIN

6. Finally, is it probable that the alliance with Great Britain would stand the strain of an aggressive war with the United States brought on by a violation of Japan's repeated declarations of good faith in her dealings with China and other nations in Manchuria, especially when the violation of those declarations would be clearly contrary to the interests of Great Britain?

7. Japan, too, is bending every resource to become a great manufacturing and commercial nation, and her plans are marked by great intelligence and persistent, far-sighted effort. A war with America would block this progress for years to come, even though its result were not immediately disastrous from the military view-point.

ATTITUDE OF THE COMMERCIAL NATIONS REGARDING JAPAN

But, setting aside the question of war as so unlikely as to be practically impossible, Japan cannot afford to push far any infringements of her announced policy of the open door in Manchuria. By so doing she would gain the hostility (which, though short of war, might be very harmful) of not only the United States, but also of Germany and the other commercial nations, including even her ally, Great Britain. Even now public opinion in the United States, Great Britain, Germany, and China is turning distinctly against her on the ground that indirectly, if not directly, they think she is closing the open door and giving to Japanese merchants trade advantages at the expense of the Germans, English, and Americans. Even the conservative London "Times" has not hesitated to criticise sharply the action of the British Government in apparently condoning such offenses on the part of the Japanese.

CHINESE COMPETITION

But consider the question from another view-point. Would Japan be seriously the loser in abandoning any attempt at permanent political control in Manchuria? Would she not even gain in some ways?

Before the China-Japan War China asserted her claim over Korea. At present she assents somewhat enviously and fearfully to Japan's control; but there is little doubt that if Japan were to withdraw definitively from Manchuria, China would acquiesce cheerfully in her permanent control of Korea. This insures, as a matter of fact, a large extension of Japanese territory in a country well suited to Japanese development.

Again, the experience of the last few years, when many immigrants from other sections of China have been coming into Manchuria and entering into competition with the Japanese farmers and shopkeepers, shows that at the present time the Japanese cannot stand competition on equal terms with the Chinese, owing in part, perhaps, to the higher standard of living that has obtained of late years in Japan, in part to the personal qualities of the different races. Japanese shopkeepers and farmers both, in repeated instances in different sections of Manchuria, have been compelled to withdraw before the diligent, patient, persistent Chinese. This is a fact recognized not only by foreign observers, but also by the Japanese statesmen themselves. And this makes it evident that unless the Japanese obtain a political control so secure that they can practically exclude Chinese, Manchuria will not become a territory especially suitable for Japanese colonization, even though with political control it might be profitable for them as a source of revenue, taxing Chinese within their territory. But even in this way the burden of maintaining their position against China and Russia, to say nothing of other Powers, would for long far outweigh any possible advantages.

JAPAN'S ADVANTAGE IN FOREIGN TRADE

But though in local business the Chinese competitors are the stronger, this by no means implies that the Japanese do not gain in their foreign trade in spite of the competition of the United States, Great Britain, Germany, and Russia. In very many cases (for example, in cotton goods) for competition on equal terms the Japanese have the advantage, and these other nations will find it impossible to supplant her. In other lines (petroleum, railway sup-

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plies), to be sure, she will find herself at a disadvantage as compared with these nations, but this is true in all international trade. In the long run there is no doubt that each nation secures the greatest advantage by confining itself to those lines of industry in which the gifts of its people and its natural resources give it normally the predominance. From her nearness to Manchuria, with her better railway and steamship connections, Japan has decidedly the advantage over any of her foreign competitors—an advantage which she is fully entitled to use to the utmost, even though she has not a colonization advantage as against the Chinese.

TERRITORY FOR EXPANSION

Much has been said about the need of Japan securing foreign territory into which she can send her surplus population; and even some Japanese, as well as foreigners, have ventured to suggest that this would justify Japan in securing and maintaining political control of Manchuria. It is asked, If the United States excludes the Japanese from California and from Hawaii, if Canada is averse to the immigration of many Japanese, where shall they go? But that is a problem that the nations of the world need not seriously trouble themselves about. Japan has absolute control over Formosa and Korea, both of which furnish opportunities for a vastly greater population than they now possess. If the Japanese wish, they can exclude the Chinese from Formosa and Korea. Moreover, Hakkaido and Saghalien are by no means densely populated, and for years to come Japan will find all the room needed, with the more modern methods of production, in the territory now under her control. Indeed, Count Okuma is reported to have said in a recent interview that she can readily accommodate double her present population.

Again, the pressure of population upon the territory in Japan is probably not greater than it is in China, and why should Japan place any claim upon Manchurian territory which belongs to China, when China's need is as great as her own?

HAS JAPAN A MORAL CLAIM TO MANCHURIA?

A most suggestive article published in "Harper's Weekly," February 5, 1910, by Adachi Sinnosuké, puts forward the claim that Japan has really a moral right to Manchuria, because she had, after the China-Japan War, in her first draft of the peace treaty with China, secured the concession of Port Arthur and the Liaotung Peninsula, a claim that she was forced to abandon by Russia and the other European Powers. But it should be remembered that when she surrendered this claim she received from China a large added indemnity, a fact which relieves China, at any rate, from obligation. Moreover, her chief enemy, as later events have abundantly proved, was really Russia. On her she has had her revenge. From her she has since taken pay in Korea, in Saghalien, and particularly in safety from future aggression on the part of Russia, provided, and only provided, that China develops rapidly her own strength in Manchuria.

JAPAN WON FOREIGN SYMPATHY BY HER ATTITUDE IN WAR

We should also call attention again to the fact that at the outbreak of the Russo-Japanese War Japan deliberately placed herself on record before the world as not seeking an extension of territory in Manchuria but as intending to maintain China's territorial integrity. There can be no doubt that the sympathy felt for Japan throughout that war in the United States and in other countries was based largely on this declaration. There can be, likewise, no doubt that if Japan were deliberately to abandon this position (an event not to be anticipated) this friendly attitude would be promptly changed. Indeed, as has already been said, the mere charges of bad faith have cooled the friendly feeling in many quarters.

THE DEVELOPMENT OF CHINA

Within a few years, if the great Powers, and especially the United States, deal justly with the Far Eastern situation, particularly in encouraging by proper means the development of China, that country will be able to take care of herself and of her own rights, especially if her statesmen in the near future realize the absolute necessity of unselfish, patriotic, intelligent, honest administration. Her army is increasing in numbers and efficiency, and

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wise administration will soon so develop her financial resources that she will stand secure against outside aggression.

THE IMPORTANCE OF CHINA'S TRADE DEMANDS THE OPEN DOOR

There can be no doubt that if one takes a long look ahead it is of the greatest importance for the United States, Great Britain, and Germany, and for Japan as well, to remain on good terms with China. There can be no doubt that both from the commercial and the military point of view China's development, commercially and politically, will be only a benefit to those Powers, and that the opportunities in the long run are far greater with her than with Japan. The best trading nation is the richest nation. The possibilities of the increase of wealth in China are practically unlimited—far greater than is possible with Japan, even though Japan were to annex Manchuria. Let one consider the profit of America's trade now with Great Britain as compared with what it was fifty years ago, or our trade with Great Britain as compared with that with any less prosperous country, and it will be seen that the advantages of trading with a rich country far more than outweigh the possible danger of competition. With all these things in mind, we can see that it will pay these leading Western commercial nations to insist—and, if necessary, to insist with very great urgency—on the maintenance of the open-door policy in China. When one looks ahead for some decades, it appears clear that the open-door policy in the Far East may well become in the not distant future a doctrine as essential to our interests as is now the maintenance, by whatever means necessary, of the Monroe Doctrine.

THE PEACE OF THE FAR EAST DEMANDS THE INTEGRITY OF CHINA'S TERRITORY

Moreover, the permanent stability not only of trade interests but also of political interests and the maintenance of peace seem, on the whole, more likely with Manchuria ultimately in the political control of China than in that of Japan; and doubtless the Japanese statesmen (for, after all, the events of the last few years show that there are no more far-sighted statesmen than the Japanese) recognize this fact. Indeed, in an interview mentioned in the Japan "Times" of June 21, 1910, Viscount Hayashi said that the chief object of the Franco-Japanese Treaty was "to respect the sovereignty of China," which he characterized as "the very keynote of Oriental peace," an expression which seems to me as wise as it is happily put.

THE POSITION OF RUSSIA

In the first place, Russia would clearly be as well off, probably better off, with Manchuria in China's possession than in Japan's. While the present relations between Japan and Russia are friendly, should it later become necessary for Russia to choose her permanent neighbor while abiding permanently in what is now her own territory, there can be little doubt that she would prefer China to Japan as a neighbor, for both commercial and political reasons.

THE POSITION OF THE COMMERCIAL NATIONS

In the second place, with the sole exception possibly of Japan, the rest of the world would be better off with China in control. If what has been said previously with reference to the relative merits as farmers and tradesmen of the Chinese and Japanese is true, Manchuria will have a better development under China than under Japan. Moreover, this development will be far more for the interests of the rest of the world, since the development under China would be with the open door; whereas the development under Japan could not be so successful in her own interest if the open-door policy is maintained. There can be little doubt (and this is said with full recognition of the right and duty of the statesmen of every country to put in the foreground the interests of their own country)—there can be little doubt that if the Japanese really secure political control of Manchuria, they will close the door.

THE OPEN-DOOR POLICY MUST BE MAINTAINED

With all of these considerations in mind; with the most friendly, even cordial, feeling toward Japan; but with eyes open to the exact conditions obtaining in the Far East, it seems clearly the duty of the great

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commercial nations, and especially the duty of the United States, to insist upon the maintenance of the open door by whatever means is necessary, as one of the fixed policies, commercial and political, of our Government, and to make ready and keep ready means for its maintenance.

THE ATTITUDE OF JAPAN

Probably many Japanese will differ from the opinions here expressed, but some will agree. The question is not one of sentiment, but of fact; not what we might wish, but what is the real outlook to a friendly observer.

The far-sighted Japanese statesmen who so patiently, persistently, and wisely planned for a series of years their movements against Russia's schemes, then fought so skillfully and heroically, and, as they declared, unselfishly, their noble war against her, and then with equal far-sightedness and with almost marvelous self-restraint and wisdom accepted the terms of peace that were necessary, though to many disappointing, surely recognize to-day that under existing conditions it is still the part of wisdom and of true patriotism to abide by their promises regarding Manchuria. It is also a satisfaction to know that the peculiar genius of the Japanese people, which leads them, in their devotion to and reverence for their Emperor, to sacrifice everything, even their lives, at the behest of that Emperor, will enable these far-sighted statesmen, whatever outburst of popular feeling may come, to carry out the policy, however unpleasant, that must inure to the permanent advantage of their country.

ETERNAL LIFE

BY LYMAN ABBOTT

This is the second of a series of Lenten Sermons. Other sermons in this series will be written by the Rev. Dr. Francis G. Peabody, the Rev. Dr. Edward Judson, and the Very Rev. Alexander P. Doyle.—THE EDITORS.

Oh that I knew where I might find him,
That I might come even to his seat!
Behold, I go forward, but he is not there;
And backward, but I cannot perceive him;
On the left hand, where he doth work, but I cannot behold him;
He hideth himself on the right hand, that I cannot see him.[1]

THE trouble with Job was that he did not look in the right place for God. He looked before and behind, on the right hand and on the left, but he did not look within; and God dwells in man and we know him only as we see him in ourselves. God is an experience, or at least we know him only as he is an experience. The knowledge of God must be always a knowledge of God within ourselves. This is pre-eminently the message of the Old and the New Testament. The Gospel might be said to be summed up in the word Immanuel, which, being interpreted, is "God with us."

This is the message which greeted Israel at the very beginning of its history. Its people had been delivered from Egypt, had crossed the Red Sea, had traversed the desert, and were encamped in the great plain at the foot of Mount Sinai. There the first message of Jehovah to them was, "If ye will obey my voice indeed, and keep my covenant, . . . ye shall be unto me a kingdom of priests." The priest had direct access to God. The people of Israel, if they would obey God's voice and keep his covenant, should have such direct access to God. They should need no priestly mediator, no interpreter, between themselves and Jehovah. No curtain should hide the Holy of Holies from their vision or exclude them from entering it. God would be their Great Companion. He would dwell with them and they with him.

A few centuries passed away and the great unknown prophet who revived the faith of Israel and reinterpreted its law

[1] Job xxiii. 3, 8, 9.

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repeated in the Book of Deuteronomy this message, Immanuel, God with us:

For this commandment which I command thee this day, it is not hidden from thee, neither is it far off. It is not in heaven, that thou shouldest say, Who shall go up for us to heaven, and bring it unto us, that we may hear it, and do it? Neither is it beyond the sea, that thou shouldest say, Who shall go over the sea for us, and bring it unto us, that we may hear it, and do it? But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it.[1]

The Word of God is God speaking to man. This speech of God to man is not, says the prophet, afar off, that you must go to find it. It is not a secret mystery hidden from the common people and revealed only to the priests. It is in thy mouth and in thy heart. Look within, and thou shalt see the speaker. Listen to the still, small voice of thine own heart, and thou shalt hear him.

More centuries passed away, and the Psalmist repeated in another form the same truth, God in the heart of humanity:

Answer me when I call,
O God of my righteousness. . . .
Jehovah will hear when I call upon him.
Stand in awe, and sin not:
Commune with your own heart upon your bed, and be still.[2]

To commune with your own heart is to talk to God. To listen to the communings of your own heart in the hours of silence and sacredness is to listen to God. To commune with what we sometimes call our better selves is to commune with the Father of our spirits.

This message of the lawgiver, of the renewer of the law, of the Psalmist, is also the message of the prophet Isaiah:

For thus saith the high and lofty One that inhabiteth eternity, whose name is Holy: I dwell in the high and holy place, with him also that is of a contrite and humble spirit, to revive the spirit of the humble, and to revive the heart of the contrite ones.[3]

Jesus repeats this message to his disciples in that last and most sacred interview with them which immediately precedes his passion. "If ye love me, keep my commandments. And I will pray the Father, and he shall give you another Comforter, that he may abide with you forever; even the Spirit of truth; whom the world cannot receive, because it seeth him not, neither knoweth him: but ye know him; for he dwelleth with you, and shall be in you."[1] Paul repeats the same message when he bids the Ephesian Christians pray that Christ may dwell in their hearts by faith that they may be filled with all the fullness of God.[2] Trope and metaphor are exhausted by the Bible in the illustration of this truth. God is our husband; we are married to him and live with him. God is our father; we are his children living in constant fellowship with him. We are a temple; God dwells in us. He is bread; we eat him and he becomes bone of our bone and flesh of our flesh. He is a Way, and we walk on him, a garment and we put him on, a rocky fastness in which we find refuge from our enemy, a sunshine in which we live and move and have our being.

A child asks his father, "Where is the air? I hear men talking about it. My teacher tells me I could not live without the air, but I cannot find it. I can neither see it nor hear it nor touch it. How can I find the air?" And the father replies, "Come out with me on to the porch this bright spring morning." They go together on the porch and the father says, "Now, draw a long breath;" and the boy draws a long breath, and his blood flows through his veins with quickened current, and his youthful spirit, stimulated, calls on him for some new activity. "That, my boy," says the father, "is the air." We know God when we breathe him into ourselves. Inspiration means in-breathing.

All men, with rare exceptions, believe that God is, and that he is the creator of the world and of men. There are but few atheists. There are more deists who believe that God is, and is the creator of the world, but now has little or nothing to do with it. He has wound it up and set it going as a child winds up and sets going his toy automobile or motor boat. Still more men are theists. They believe not only that God is, but that he has something to do with the world of nature and the world of men; but they generally think that he has to do with men through special mediators. They believe that God dwells in a few men. He dwells in the hierarchy, in the Pope, the archbishops, and the

[1] Deuteronomy xxx. 11-14.
[2] Psalm iv. 1, 3, 4.
[3] Isaiah lvii. 15.

[1] John xiv. 15-17.
[2] Ephes. iii. 17, 19.

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bishops; perhaps in the priests or specially holy ministers who are not priests; or they believe that he dwelt in men in olden times, that he dwelt in Abraham and Moses and David and Isaiah, and in some pre-eminent way in Jesus Christ. The Bible is to them a kind of phonograph which repeats the voices that have been spoken into it by prophets of olden time, and these voices are the only voice of God that we can know. Or they may even believe that God is in special saints to-day: in the sacred poet, like John G. Whittier, or the great preacher, like Phillips Brooks, or in some sainted father or mother unknown outside of the village life or the home circle. But these divine personages are few and these divine experiences rare, so they are content to go to the Church or to the Bible for a message about God.

But humanity wants not a message but a person, not a theology but a life, not what other men have said about God, but God himself. And it is the teaching of the Bible not merely that God is in man, but that God is in *all* men; that he has made not merely bishops and priests, prophets and apostles, sacred poets and saints, in his image, and is akin to them and can speak to them and they can hear him; but that he has made *all* men in his image, all men are of kin to him, and to all men he speaks and all men can hear him. This is the meaning of that message of the first chapter of Genesis, "God created man in his own image." What man? Every man. The white man, the red man, the yellow man, the black man; the wise man and the foolish man; the rich man and the poor man; the good man and the wicked man. We may blur and dim and mar his image, but we cannot entirely destroy it. We may be blind to his presence and deaf to his voice, but we cannot escape that presence nor get beyond the sound of that voice.

Whither shall I go from thy spirit?
Or whither shall I flee from thy presence?
If I ascend up into heaven, thou art there:
If I make my bed in Sheol, behold, thou art there.
If I take the wings of the morning,
And dwell in the uttermost parts of the sea;
Even there shall thy hand lead me,
And thy right hand shall hold me.[1]

[1] Psalm cxxxix. 7-10.

We find him alike in heaven and in hell because we cannot flee from ourselves, and whatsoever we are and whithersoever we go, still he is in us. Paul is preaching to a pagan congregation in Athens—so pagan a city that the ancient satirists said it was easier to find a god than a man within its walls. So far as we know, there was not a disciple of Christ nor even a disciple of Moses in the congregation. It is to this audience that Paul says, We are his offspring, and he quotes a pagan poet, not an Old Testament writer, in support of his statement. Pagan as well as Christian, idolater as well as true believer, are the offspring of God. What does Jesus mean when he bids his disciples go into all the world and preach the Glad Tidings to every creature? What is the Glad Tidings but this: You are the offspring of God. He is your Father. Not even your sins can separate you from his sympathy and his life. He is your companion and seeks your companionship. In him you live and move and have your being. To listen to his voice, to understand his counsels, to walk in his way, is the secret of life and of happiness.

"Our Father which art in heaven"—who may utter these words? Every one may utter them. The scholarly congregation which gathers in the college chapel, the Negro congregation in the Black Belt with a conception of religion little above that of their pagan ancestry in Africa, the white-robed and white-souled saints in the nunnery, the tramps and vagabonds gathered from the slums and the lodging-houses, and the convicts gathered in the prison chapel—all may say "Our Father." He is the Father of all the living. From him they all derive their life, in them all he lives, by him they all live. The Bible is but a guide-post which points to God. We are not to stop at the guide-post, but to go on to him to whom it points. The story of Abraham is told that, like Abraham, we may follow whither the unknown voice calls us; the story of Moses, that, like him, we may hear the law which Moses does not give but only interprets; the Psalms of David, that we may sing the same songs, uttering the same experiences of penitence, prayer, and praise; the message of Isaiah, that the hope which cheered him may be in our lives and

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hearts to cheer us; the missionary consecration of Paul is narrated that we may hear the same voice which he heard and give ourselves to the same life of unselfish service. The Bible is a book of human experiences written that we may have the same experiences which they had who wrote it.

And as God is in man and in all men, so he is in all experiences of all men. There is no real distinction between secular and religious. Religion is not a special calling. It is a call to do all things in a spirit of love and loyalty. It is a mistake to suppose that we can find God only in the sanctuary or the closet, in the hour of silence and of retirement from the busy world. When was God in Jesus Christ? Now and then? in special experiences? or was he in Christ all the time, and does the whole of Christ's life manifest the Divine Spirit which was within him? Surely no one who has any faith in Christianity can doubt what answer must be given to that question. Jesus Christ gathered thousands of people before him on the hillside, or a score of them in the courtyard of a house, and taught them. When he was a teacher, God was in him. He went out from his teaching to heal the paralytic, the lame, the halt and the blind, and the leper. When he was a doctor, God was in him. Until he was thirty years of age he worked at his father's bench with his father's tools. When he was a carpenter, God was in him. After his death the disciples abandoned their faith in him as the Messiah and went back to their fishing. One morning in the early dawn, when they had fished all night and caught nothing, they saw a solitary figure on the shore. The stranger called out to them, Boys, have you anything to eat? They answered, No. He told them where to throw their nets. Something recalled an experience three years before, and John said to Peter, It is the Lord; and Peter flung himself into the sea and swam ashore, and there he found that Jesus had kindled a fire and was broiling a fish for their breakfast. God was in Christ when he was a cook.

We make a great mistake when we confine inspiration to exceptional activities and make it the gift of exceptional natures. It is the air we breathe. God is the universal guide, the All-Father. We cannot easily think of anything more prosaic, anything which less calls for the inspiration, the companionship, the co-operative counsels of the Eternal, than plowing. Have you ever read in the Book of Isaiah the plowman's ode:

Listen, and hear ye my voice,
Attend, and hear ye my speech.
Is the plowman never done with his plowing,
With the opening and harrowing of ground?
Does he not, when its surface is leveled,
Scatter fennel, and sow cummin broadcast,
And duly set wheat there and barley,
And for its border plant spelt?
It is Jehovah who has taught these right courses,
It is his God who has trained him.

We do not thrash fennel with sledges,
Nor are cart-wheels rolled over cummin.
But fennel is threshed with a staff,
And cummin is threshed with a rod.
Do we ever crush bread-corn to pieces?
Nay, the threshing goes on not forever,
But when over it cart-wheels are driven,
Or sledges, our care is never to crush it.
This also from Jahveh proceeds:
Wonderful counsel, great wisdom has he.[1]

Inspiration is God speaking to man. Prayer is man speaking to God. In our thought we have banished inspiration from our common life. We have banished it to the past, and thought it the peculiar prerogative of ancient prophets and apostles. No wonder that we have banished prayer also. If we think God never speaks to us now, how can we go on speaking to him? Who would have the patience to carry on for a lifetime a monologue to an eternally silent being who gave no response? Prayer is not merely talking *to* God; it is talking *with* God. To listen to him is at least as important as speaking to him. "We are so busy talking to God," says Savonarola, "that we have no time to hear him." Even good people in our day are so busy, not perhaps talking to God but trying to serve him in his children, that they have no time to listen to him. We all need to have sacred occasions when we can be still and know that God is God. This also is prayer; this also is inspiration. But prayer and inspiration should not be confined to these hours of silence. They should be the commonplace experiences of our daily life. When the Apostle commands us to pray without ceasing, he

[1] Isaiah xxviii. 23–29, Cheney's translation.

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means exactly what he says. Prayer should be the carrying on of all our life in fellowship with the Great Companion.

In all this there is nothing strange, mystical, miraculous, or truly supernatural. There is nothing which is either against nature or an exception to nature. I am simply pointing out to you that the common experience of mankind in converse with one another is to be carried forward and upward and made an experience of converse with our Father.

How do you hold communion with absent or deceased friends? You recall some incident, some counsel, some kindly service, some word of inspiration, some tone of voice. You recall their companionship, their love, through memory. They enter into you. Their life mingles with your life. You look within and see them and hear them. How do you hold converse with the great men of the past? With Homer, or Job, or Dante, or Shakespeare, or Browning? What do you mean by saying you read a book? Not merely do the words imprint themselves on the retina of your eye. Through that imprinting the experiences of the author imprint themselves upon your soul. If you cannot make their experiences your own, you are not truly reading. Through imagination they enter into you; you look within, and in their experiences reproduced in your own soul you hold companionship with them. How do you hold converse with present living friends? Only by sharing their thoughts and their feelings. A word, a pressure of the hand, a smile, a tear, a glance of the eye, a deep silence, may suffice. These are only the doors through which the experience from one soul flits into another soul. Only as thus your experience and your friend's experience intermingle are you really at one. If you really hold converse with another, he enters into you and you look within and find his life reproduced there. In the same way God enters into us. The memory of a past experience, the experience of some other soul vividly narrated, a rare beauty of nature, a noble action in a man, a solitude, a silence, may be the door. Through that door God enters into the soul; we look within and find him there. Memory, imagination, sympathy, faith, are all words for expressing this intermingling of spirit with spirit:

Speak to Him thou, for He hears, and Spirit with Spirit can meet—
Closer is He than breathing, and nearer than hands and feet.

O God, in whom we live and move and have our being, and who dost also live and move and have some measure of thy being in us, thy children, we do not ask for thy presence, for we know that we are always in thy presence. We ask that we may have the eyes to see thee, and the ears to hear thy still, small voice, and the hearts to welcome thee; that we may always walk in thy way, inspired by thy companionship. Amen.

THE BOHEMIAN

BY ROBERT HAVEN SCHAUFFLER

"YOU confounded Polack!" snapped Bulkeley, as he bustled into his office an hour late; "what makes you always keep it so hot in here?"

Vaclav, the Bohemian bookkeeper, reached down and closed the damper without a word. As he did so a curious transformation might have been noticed in his face. The sallow cheeks lost their oily look and slowly turned a dull red. The little sunken, pig-like eyes with the muddy whites grew larger and clearer and seemed to expand outward, so that the cheek-bones lost their Indian-like prominence. The whole homely countenance assumed, at a word, a curious beauty, a striking human dignity.

With the mien of a connoisseur of air his employer sniffed delicately at the atmosphere through a long, thin nose.

"Faugh! Seems to me I can smell

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garlic and sauerkraut and all kinds of abominations in here."

To a dispassionate observer it would have been clear that Bulkeley was suffering from an attack of "morning after," and was merely discharging his extra nerves at the first convenient, safe target.

"Why do you Polacks live so like pigs," anyway?" he went on. "It's a disgrace to Cleveland. It's an outrage—"

He never finished what he had in mind. The small brownish hand of Vaclav took Bulkeley on the right ear so that he stumbled over the tall brass cuspidor.

"Have that for your 'Polack'!" cried the bookkeeper. Then, before Bulkeley could recover, a cuff on the opposite ear knocked off his immaculate derby.

"Have that for your 'sauerkraut,' and that for your 'garlic'!"

With his full strength Bulkeley struck out instinctively. But his fists found only sharp elbow bone and painfully tough arm muscle. Then he clinched.

The pair swung across the narrow office and crashed against the partition. The bookkeeper did not utter a sound, but Bulkeley cursed as he struggled, until he found that it was better to save his breath for the battle. He was forced backward upon something hard. This turned hot, and he realized that he had been maneuvered against the stove. He jumped aside, and the other writhed from his grip.

"Have that for your 'pig'!" cried Vaclav, with a crashing blow on the long, bleak nose.

Bulkeley sat down abruptly upon the floor and clapped both hands to his face.

"You get up again," announced the bookkeeper, "so I pay you all them 'Polacks,' all them 'pigs,' all—all, what you call me these five years, now."

Bulkeley made no move. His eyes were fixed upon the still clenched Slavic fists with an expression of astonishment in which a kind of admiration unwillingly joined.

"Get up, so I'll pay you for all them bad jokes, them shoulder shrugs, them looks that say me I'm dirt under feet, that deny me I'm member of humanity race."

The head of the business began an angry phrase, but Vaclav interposed: "Now you going to chase me out o' here, to be course. Don't bother yourself. I'll chase myself out already. But first you got to hear few things."

He walked over to the door, turned the key, and slid it into his pocket.

"Why you all time been picking at me? On account that you're born American and accidentally by perchance I'm born Bohemian? You think because of that I should be all time humble? I tell you one thing: there is nobody prouder as a Bohemian!"

With his head erect and his eyes aglow the little bookkeeper was such a changed being that Bulkeley, even in his painful position, noticed it and was almost startled.

The bookkeeper raised his voice a little: "We got good right to be proud as you—p'r'aps prouder."

He looked searchingly into the American's angry eyes.

"Say, I heard you went a year to college. Didn't they never learn you how a Bohemian girl refused to marry George Washington? Or how a Bohemian man wouldn't come and be President of Harvard College when they asked him?"

"You young wildcat!" growled Bulkeley; "where'd you learn all that stuff? Where'd you find out how to scrap like this?"

"Wait!" commanded the bookkeeper. "You see, your race knows about us—absolute nothing at all. We Bohemians look you stupid and clumsy. But you Americans—if we are stupid, how are you? You got anybody ever wrote such music like our Smetana? Didn't you have to get Dvořák over here to write the 'New World Symphony'?"

Bulkeley glanced across wistfully at the telephone, then dubiously upward at the gesticulating fists of his late employee.

Vaclav understood in a flash.

"Aha! you want call the cop on me."

"You've about hit the nail on the head there, my boy," answered the other.

"Don't bother yourself," the Bohemian retorted. "I'll go along by you without no cop to the station-house. Don't you believe it? Have you ever caught me to a lie yet?"

"Can't say I have," returned Bulkeley, thoughtfully. "Put on your coat, then."

Vaclav held up his hand, palm out.

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Then he courteously placed a chair for the prostrate man.

"Wait little bit. Few more things yet I got to say you. From your standpoint of view, you belong to the most civilized race of the world, ain't that right?"

"Well?"

"What, then, were you Americans doing when we were listening to the songs of our greatest poets? I tell you: enjoying the howlings of wolves. Again, what were you doing when in Prague we were building our wondrous Hradcin? Making little blockhouses against them Indians. Yes, I know you Americans know how to kill men all right—you got generals in your history even so great as our blind general, Zizka. But tell me, for love of Lord, you ever had any spirit-general to take and lead the humanity soul like John Huss?"

Bulkeley was squirming impatiently in his revolving chair.

"Still already," the bookkeeper added, "I bet to good conscience you never heard yet a Bohemian boast like I boast to-day. We work hard with shut mouth. We save up. We obey law except when some American makes with us like he wouldn't with no dog."

His words caught in his throat with almost the effect of a sob. A furrow of attention had been deepening between Bulkeley's eyes. When Vaclav ceased talking, the American said, "Hm-hm," meditatively, almost coolly, scowled as if from a twinge of pain, and put his hand to his nose, which had turned a fiery red. Fishing a hand-mirror from his pocket, he examined the organ tenderly. When he spoke, his tones were incisive:

"Well, now it's time to cut out the hot air and take what's coming to you."

Vaclav turned stolidly and slipped on his jacket and thin overcoat and gay Bohemian muffler.

"Aw-right," he assented; "I got time to finish along the way."

He produced the key and opened the door. Then, from force of habit, or incorrigible courtesy, he stepped aside for Bulkeley to go first.

The two passed the machine-shop windows as though nothing had happened. When they reached the street, Vaclav began talking rapidly:

"For years now you call me 'Polack.' You try make me just same with them poor Poles and Griners and Little Russians. To you we are all together 'Polacks.' It shows only how uncivilized you are, you young American peoples, that you can make such foolish mistake. I swear you that us Bohemians are one, two, three centuries before some o' them other peoples you call 'Polacks' 'long with us."

He glanced keenly at Bulkeley, who instantly attempted to disguise the look of interest that he had allowed to creep into his eyes.

"Ah, you don't want believe me? You want, believe then, reports of your own Government? Well, how many Little Russians come over here can't read and write? United States report say five out of ten. That's right; I got the paper home—can show you. How many Griners and Croatians can't read and write? 'Bout three out o' ten. But how many Bohemians?" He snapped his arms outward from his chest. "Only three out of hunderd!"

"By gad!" exclaimed Bulkeley, involuntarily.

"You think," the other pursued, "that them Germans is pretty smart people, what? I tell you truth of Lord, twice so many illiterate Germans come in this country as Bohemians. 'Nother thing I'd like find out pretty well: you native Americans, you got only three out of hunderd can't read and write?"

He broke suddenly into a bitter laugh.

"Ah! it shows only how blind you are, you Americans. This here young country, it ain't already out o' second reader in school, yet it considers to know all, all. And you look on us sons of ancient, wonderful Bohemia with despise. You call us 'Polacks'!"

He flung forth the word with inconceivable disgust, as though it were an unclean thing.

Bulkeley reddened, but said nothing.

"You're even surprised a 'Polack' like me can fight, ain't that right? You didn't know most Bohemians train the body just so good as the mind, in great national turner societies called *Sokols*. Because I couldn't talk good you thought I couldn't fight good. One moment. Say me, how many languages you spik?"

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"Nothing but United States," answered Bulkeley; "that's good enough for me any time."

"I spik three," said Vaclav, quietly, "besides this little bit of English."

"The deuce you do!" exclaimed the other.

"Well," said Vaclav, "that's Bohemians. We don't run 'round blowing what we can do. And we are patient like we are proud; don't shut the fist unless we got to. Now you can go 'head and put me in the workhouse, all right. You should only understand I'll be the first Bohemian there this year."

The American glanced down at his late assailant. The illumination of his homely features had died to the hue of cold ashes. He was staring straight ahead of him with that look of unutterable sadness that comes only into Slavic faces. Bulkeley followed the direction of his eyes and saw that they were fixed on the uncompromising façade of the Fourth Precinct Station, half a block ahead. And then, unaccountably, the bookkeeper's consumptive, stoop-shouldered wife and three children slipped across his mental field of vision.

With loving solicitude he felt of his nose. The keen, snowy air had done it good.

He seized Vaclav by the arm and stopped him in the middle of the sidewalk.

"Look here, young fellow," he began, brusquely, and then cleared his throat twice. "All this you've been spieling about your blood being as good as mine is Greek to me."

Once more he cleared his throat with terrible vigor. "But I guess it must be straight goods. I never yet knew you to tell me a word out of the way about anything."

Vaclav stood motionless, gazing stupidly at the ground.

"Compared to some others, in certain ways," Bulkeley continued, "we Yankees may be pretty poor pickings, after all, though it never occurred to me exactly in that light before. But there's one thing we *have* got"— here he deliberately began to stretch his hand out toward Vaclav, palm up—"that's sporting blood."

A NEW WORK ON THE CONSTITUTION[1]

OURS is the only country where the acts of the highest legislative body may be declared unconstitutional and void. So familiar are we with this attitude that we do not even know that it is strange. One can scarcely read a daily paper in which the validity of some law is not questioned. Moreover, these discussions are not academic, but vital. They affect every man in his daily relations—the laboring man in his attempt to raise wages and shorten hours, the business man through inter-State commerce and corporate management, the social reformer striving to protect children or to secure better factory conditions, the statesman, be he follower of Jefferson or of Hamilton. And yet we wonder how many even intelligent Americans have read the United States Constitution at one sitting. We are debtors to any one who will give us light on the powers conferred and limitations imposed by that great document.

Professor Westel W. Willoughby in his commentaries undertakes its study. He thus describes his own purpose: "To ascertain, and to discuss critically, the broad principles upon which have been founded the decisions rendered by the Supreme Court of the United States in the leading cases, and thus to present, as a systematic whole, a statement of the underlying doctrines by which our complex system of constitutional jurisprudence is governed." Dr. David K. Watson's recent work on the Constitution (reviewed by The Outlook January 28) treats its subject both historically and as interpreted by the courts. Professor Willoughby expressly confines himself to the interpretation and construction found in

[1] Constitutional Law of the United States. By Westel W. Willoughby. Baker, Voorhis & Co., New York. $12.

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the decisions of the Supreme Court. This limited treatment practically withdraws the book from the general reader, for it is only those already familiar with Constitutional questions and accustomed to weigh court opinions who are qualified to judge the author's work. The self-imposed restriction of field, however, tends toward thoroughness in the ground covered.

Professor Willoughby's treatment of his theme is logical, and follows the general line the student of Constitutional law would expect. His first chapter, "The Supremacy of the Constitution," is largely occupied with a study of Marbury vs. Madison, which for all time has established that supremacy. "The Principles of Constitutional Construction" next occupy his attention, and it may be interesting to note in passing that Professor Willoughby thinks that possibly undue emphasis has been given to the Preamble in interpreting the Constitution. To him the real significance of the phrase "We, the People of the United States," is "that the Constitution is to be ratified, not by the State Legislatures, but in conventions, for it indicates that the Union was one that the State Legislatures were not competent to create; that, in other words, it was to be not a mere league or confederacy such as then existing State governments might enter into, but a fundamental Union resulting in the creating of a new 'National State,' which, according to the political philosophy of that date, only the people acting in their original sovereign capacity were able to create."

Only the principal subjects covered can be mentioned here: Division of Powers between the United States and the States, the Supremacy of Federal Authority (and all that that connotes), American Citizenship as Contrasted with State Citizenship, Power to Acquire Territory, Distinction between Incorporated and Unincorporated Territory, the Insular Cases, Treaty-Making Power, General Powers of Congress, Inter-State and Foreign Commerce, Prohibitions on Congress, Prohibitions on the States, Federal Judiciary, and Powers and Duties of the President. The single topic occupying the greatest space in Professor Willoughby's work is the "Commerce Clause," and he calls attention to the significant fact that during the first ninety years under the Constitution only seventy-seven cases involving this clause came before the Supreme Court, while in the eighteen years following 1880 one hundred and thirty-six such cases were brought there for determination.

Professor Willoughby is eminently fair in stating positions with which apparently he himself does not agree, and when reviewing majority opinions calls attention to any strong dissent given by the minority in the court. He is never dogmatic, but, like every good teacher, presents the facts pro and con, leaving the reader to pass his own judgment; stimulating thought rather than supplying information. We are confident that he has very clear convictions and on the proper occasion would maintain them. We believe the book should, and will, find constant use among students of Constitutional questions, and that it will be of genuine service to both bench and bar in helping to clarify thought regarding those Constitutional questions. The commentaries seem to us worthy followers of those of Story, Kent, and Miller in their field.

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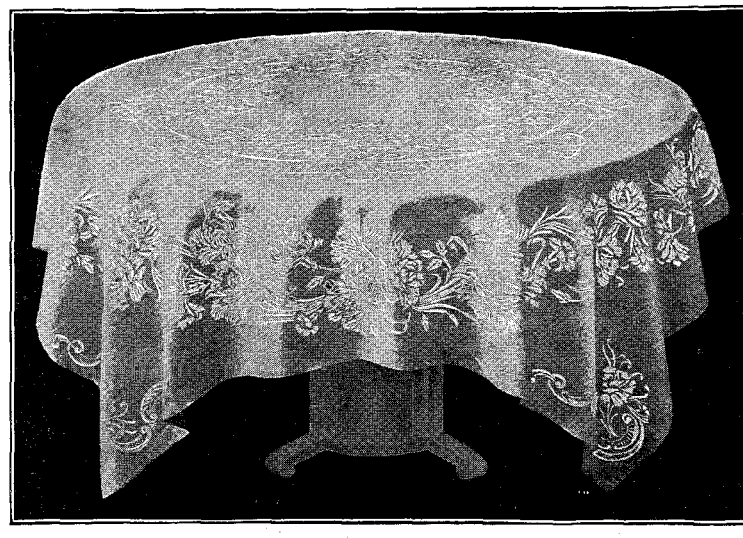

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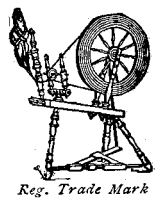

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